

## NINETY-SEVENTH DAY

St. Paul, Minnesota, Monday, April 13, 1992

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

### CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Michael Hasetline.

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

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

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

The President declared a quorum present.

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

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2728: A bill for an act relating to agriculture; establishing a state over-order premium milk price for dairy farmers for certain milk; proposing coding for new law in Minnesota Statutes, chapter 32A.

There has been appointed as such committee on the part of the House:

Wenzel, Bauerly and Omann.

Senate File No. 2728 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 10, 1992

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2430: A bill for an act relating to the environment; adding sanctions and procedures relating to petroleum tank release consultants and contractors; amending Minnesota Statutes 1990, sections 115C.02, by adding subdivisions; 115C.03, by adding a subdivision; 116.48, by adding a subdivision; Minnesota Statutes 1991 Supplement, section 115C.09, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 115C.

There has been appointed as such committee on the part of the House: Krueger, Kinkel and Pellow.

Senate File No. 2430 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 10, 1992

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2257: A bill for an act relating to agricultural development; redefining agricultural business enterprise for purposes of the Minnesota agricultural development act; amending Minnesota Statutes 1991 Supplement, section 41C.02, subdivision 2.

There has been appointed as such committee on the part of the House: Winter, Steensma and Dille.

Senate File No. 2257 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 10, 1992

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting

of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2136: A bill for an act relating to labor; protecting interests of employees following railroad acquisitions; imposing a penalty; amending Minnesota Statutes 1990, sections 222.86, subdivision 3; 222.87, by adding a subdivision; and 222.88.

There has been appointed as such committee on the part of the House: Farrell, Beard and Dille.

Senate File No. 2136 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 10, 1992

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1722: A bill for an act relating to state lands; providing for the release of a state interest in certain property in the city of Minneapolis.

There has been appointed as such committee on the part of the House: Jefferson, Sarna and Boo.

Senate File No. 1722 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 10, 1992

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2113:

H.F. No. 2113: A bill for an act relating to traffic regulations; authorizing the operation of flashing lights and stop arms on school buses transporting persons age 18 and under to and from certain activities; authorizing revolving safety lights on rural mail carrier vehicles; requiring school bus sign on school bus providing such transportation; amending Minnesota Statutes 1991 Supplement, sections 169.441, subdivision 3; 169.443, subdivision 3, and by adding a subdivision; and 169.64, by adding a subdivision.

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

Orenstein; Johnson, A. and Seaberg have been appointed as such committee on the part of the House.

House File No. 2113 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 April 10, 1992

Mr. Cohen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2113, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2848.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 10, 1992

### FIRST READING OF HOUSE BILLS

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

H.F. No. 2848: A bill for an act relating to state government; ratifying labor agreements; providing for classification changes for certain employees; amending Minnesota Statutes 1990, section 21.85, subdivision 2; Minnesota Statutes 1991 Supplement, section 349A.02, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2505, now on General Orders.

### REPORTS OF COMMITTEES

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1878: A bill for an act relating to workers' compensation; regulating insurance; regulating the assigned risk plan; creating a health and safety fund; providing for fraud prevention; requiring the department of labor and industry to assist employees; providing for accident prevention and injury reduction; eliminating subsequent injury registration and reimbursement; amending Minnesota Statutes 1990, sections 79.251, by adding subdivisions; 79.252, subdivisions 1 and 3; 176.106, subdivision 6; 176.129, subdivision 10; 176.130, subdivisions 8 and 9; 176.138; 176.139, subdivision 2; 176.181, subdivision 3, and by adding a subdivision; 176.182; 176.183; 176.185, subdivision 5a; 176.194, subdivisions 4 and 5; 176.221, subdivisions 3 and 3a; 176.231, subdivision 10; 176.261; 176A.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 79; and 176; repealing Minnesota Statutes 1990, section 176.131.

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

Page 4, lines 5 and 6, delete "FUND" and insert "ACCOUNT"

Page 4, line 7, delete "*fund*" and insert "*account*"

Page 6, line 20, delete "*action*" and insert "*section*"

Page 7, line 5, delete the new language and strike "fund" and insert "*assigned risk safety account*"

Page 7, lines 16 and 25, delete "*fund*" and insert "*account*"

Page 7, line 31, delete the new language

Page 7, line 32, delete "*safety*" and strike "fund" and insert "*assigned risk safety account*"

Page 8, line 34, delete the new language and strike "fund" and insert "*assigned risk safety account*"

Page 9, line 28, delete the new language and strike "fund" and insert "*assigned risk safety account*"

Page 11, line 22, delete "*fund*" and insert "*account*"

Page 12, line 20, delete the new language and strike "fund" and insert "*assigned risk safety account*"

Page 15, line 19, delete the new language and strike "fund" and insert "*assigned risk safety account*"

Page 16, lines 4 and 27, delete the new language and strike "fund" and insert "*assigned risk safety account*"

Page 17, line 15, delete "*fund*" and insert "*account*"

Page 18, line 2, delete the new language

Page 18, line 3, strike "fund" and insert "*assigned risk safety account*"

Amend the title as follows:

Page 1, line 4, delete "a health and safety fund" and insert "an assigned risk safety account"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2509: A bill for an act relating to motor fuels; weights and measures; regulating octane and oxygenated fuels; appropriating money; amending Minnesota Statutes 1990, sections 41A.09, subdivision 2, and by adding a subdivision; 239.06; 239.75; 239.79; 239.80; 296.01, subdivisions 1, 2, 3, 4, 4a, 4b, 15, 24, and by adding subdivisions; 296.02, subdivisions 1, 2, and 7; Minnesota Statutes 1991 Supplement, section 239.05, subdivision 1, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 239; repealing Minnesota Statutes 1990, sections 239.75, subdivisions 3 and 4; 239.76, as amended; 239.79, subdivisions 1 and 2; 296.01, subdivision 2a; and 325E.09.

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

Page 2, after line 33, insert:

“Sec. 6. Minnesota Statutes 1991 Supplement, section 239.05, is amended by adding a subdivision to read:

*Subd. 2c. [ATTESTATION ENGAGEMENT.] “Attestation engagement” means a standard auditing procedure prescribed by the Association of Independent Certified Public Accountants.”*

Page 3, line 1, delete the second “a” and insert “*an oxygenated gasoline*”

Page 4, lines 8 and 21, delete “*registered*” and insert “*approved*”

Page 5, delete section 22

Page 7, line 11, delete “*waiver to*” and insert “*temporary exemption from*”

Page 10, line 12, delete “*and decimal fractions*”

Page 13, line 11, after “*with*” insert “*a detergent additive.*”

Page 13, line 12, delete “*with*”

Page 13, line 20, delete “*provided*” and insert “*or the gasoline base stock from which a gasoline-ethanol blend was produced must comply with ASTM specification D 4814-90a;*”

Page 13, delete lines 21 to 25

Page 13, line 29, after “*gasoline*” insert “*after the gasoline-ethanol blend has been sold, transferred, or otherwise removed from a refinery or terminal*”

Page 15, line 11, after the period, insert “*This subdivision does not apply to the measurement of petroleum products transferred, sold, or traded between refineries, between refineries and terminals, or between terminals.*”

Page 16, line 25, delete everything after “*commission*”

Page 16, delete lines 26 and 27

Page 16, line 28, delete everything before the period and insert “*an attestation engagement performed by a certified public accountant to investigate compliance with this section and with EPA oxygenated fuel requirements*”

Page 16, line 31, delete “*30*” and insert “*120*”

Page 17, line 25, delete “*15 through February 15*” and insert “*1 through January 31*”

Page 22, line 8, delete “*registered*” and insert “*approved*”

Page 26, delete section 53

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 3 and 4, delete “*appropriating money;*”

Page 1, line 6, delete “*239.06;*”

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

Mr. Merriam from the Committee on Finance, to which was re-referred

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

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

Delete everything after the enacting clause and insert:

“Section 1. [PERFORMANCE BUDGET.]

*It is the intent of the legislature to use outcome-based indicators and performance measures as criteria for making budget allocation decisions. As a first step in moving toward performance-based budgeting, the commissioner shall require at least five executive agencies to submit performance budgets for the 1994-1995 biennium. The commissioner shall consult with the chair of the senate finance committee and the chair of the house of representatives appropriations committee regarding the selection of the agencies and the format to be used for the performance budgets. The designated executive agencies shall prepare their budgets in the format specified by the commissioner. The format must require:*

*(1) clear and specific statements of what has been achieved during the prior two fiscal years, including measurable outcomes that resulted from program activities;*

*(2) narrative discussions comparing performance outcomes to the performance objectives established for the prior two fiscal years;*

*(3) assessments of whether the program outcomes for the prior two fiscal years should be ranked as more than adequate, adequate, or less than adequate;*

*(4) a statement of goals for the coming biennium;*

*(5) performance objectives that must include a specific statement of what is expected to be achieved within the next budget period; and*

*(6) performance indicators that must include specific measurable outcomes that will result from the program activity.”*

Delete the title and insert:

“A bill for an act relating to the state budget; requiring the commissioner of finance to prepare performance budgets; prescribing their contents.”

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2030: A bill for an act relating to energy; prescribing the method of payment of petroleum tank release cleanup fees; requiring persons who remove basement heating oil storage tanks to remove fill and vent pipes to the outside; changing the inspection fee for petroleum products; imposing a fee on sales of propane; appropriating money to energy and conservation account for programs to improve energy efficiency of residential oil-fired

heating plants in low-income households; amending Minnesota Statutes 1990, section 115C.08, subdivision 3; and Minnesota Statutes 1991 Supplement, section 239.78; proposing coding for new law in Minnesota Statutes, chapters 116 and 239.

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

Page 2, line 24, delete "PROPANE" and insert "LIQUID PETROLEUM GAS"

Page 2, lines 25 and 27, delete "*propane*" and insert "*liquid petroleum gas*"

Page 2, line 28, delete "*public service*" and insert "*revenue for deposit in the general fund*"

Page 2, line 29, delete "APPROPRIATION" and insert "APPROPRIATIONS"

Page 2, delete lines 30 and 31

Page 2, line 32, delete everything before "*is*" and insert:

"(a) \$296,000"

Page 2, delete lines 33 to 35

Page 2, line 36, delete "*or other state agency*"

Page 3, delete line 3

Page 3, line 4, before "*Of*" insert "(b)" and delete "\$350,000" and insert "\$330,000"

Page 3, line 5, delete "*energy and*"

Page 3, delete lines 6 and 7 and insert "*commissioner of jobs and training*"

Page 3, line 9, delete "*propane*" and insert "*liquid petroleum gas*" in both places

Amend the title as follows:

Page 1, lines 7 and 8, delete "to energy and conservation account" and insert "for low-income energy assistance program and"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2451: A bill for an act relating to Dakota county; providing financing for transportation planning activities; authorizing a regional railroad authority to transfer light rail money.

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

Page 1, line 8, delete "*Notwithstanding any law to the contrary,*"

Page 1, line 10, before the first comma, insert "*generated by local property tax levies and state grants*"

Page 1, line 11, delete "*studies*" and insert "*purposes*"

Page 1, line 12, delete "*department*" and insert "*commissioner*" and delete "*may*" and insert "*shall*"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2095: A bill for an act relating to the environment; pollution control; clarifying and distinguishing organizational duties of the board of the pollution control agency; conforming certain pollution control measures to federal Clean Air Act amendments; authorizing assessment of emission fees; changing method used for calculating emission fees; changing the definition of chlorofluorocarbons; establishing a small business air quality compliance assistance program; providing for the appointment of an ombudsman for small business air quality compliance assistance; creating a small business air quality compliance advisory council; requiring a report; amending Minnesota Statutes 1990, sections 116.02, subdivisions 1, 2, 3, 4, and by adding a subdivision; and 116.70, subdivision 3; Minnesota Statutes 1991 Supplement, section 116.07, subdivision 4d; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Page 11, line 27, delete "*, clause (4),*"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2143: A bill for an act relating to game and fish; providing for agricultural crop protection assistance; providing for issuance of deer licenses to certain owners of agricultural land in consideration for allowing access for hunting; appropriating money; amending Minnesota Statutes 1990, section 97A.441, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 97A.

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

Page 1, lines 14 and 17, delete "*sod*" and insert "*turf*"

Page 2, line 14, after the period, insert "*The total value of deterrent materials provided to a single landowner under this subdivision must not exceed \$3,000.*"

Page 2, line 32, delete "*a fee, a bonus*" and insert "*an additional fee, a*"

Page 2, line 33, before "*deer*" insert "*a second*" and after "*firearms*" insert "*under section 97B.301, subdivision 4,*"

Page 2, line 35, delete "*bonus*" and insert "*the commissioner made these*" and delete "*are*"

Page 2, line 36, delete "*bonus*"

Page 3, line 2, delete "*bonus*" and insert "*the*"

Page 3, line 3, delete "*bonus deer*"

Page 3, line 6, delete "APPROPRIATION" and insert "APPROPRIATIONS"

Page 3, after line 6, insert:

*"(a) \$250,000 is appropriated from the game and fish fund to the commissioner of natural resources to implement the technical assistance program under section 1, subdivision 2."*

Page 3, line 7, delete "\$ . . . . ." and insert "(b) \$200,000"

Page 3, line 8, delete "implement" and insert "purchase deterrent materials to be provided to landowners under" and delete the period and insert ", subdivision 3.

*(c) The approved complement of the department of natural resources is increased by two game and fish fund positions."*

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2732: A bill for an act relating to public health; providing for the reporting and monitoring of certain licensed health care workers who are infected with the human immunodeficiency virus or hepatitis B virus; authorizing rulemaking for certain health-related licensing boards; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 144.054; 144.55, subdivision 3; 147.091, subdivision 1; 148.261, subdivision 1; 150A.08, subdivision 1; 153.19, subdivision 1; and 214.12; proposing coding for new law in Minnesota Statutes, chapters 150A; and 214.

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

Pages 22 and 23, delete section 18

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "appropriating money;"

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

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

H.F. No. 2147 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2147	2042				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2147 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2147 and

insert the language after the enacting clause of S.F. No. 2042, the first engrossment; further, delete the title of H.F. No. 2147 and insert the title of S.F. No. 2042, the first engrossment.

And when so amended H.F. No. 2147 will be identical to S.F. No. 2042, and further recommends that H.F. No. 2147 be given its second reading and substituted for S.F. No. 2042, 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. 2854 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.
2854	1376				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2854 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2854 and insert the language after the enacting clause of S.F. No. 1376; further, delete the title of H.F. No. 2854 and insert the title of S.F. No. 1376.

And when so amended H.F. No. 2854 will be identical to S.F. No. 1376, and further recommends that H.F. No. 2854 be given its second reading and substituted for S.F. No. 1376, 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. 2261 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.
2261	2402				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2261 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2261 and insert the language after the enacting clause of S.F. No. 2402, the first engrossment; further, delete the title of H.F. No. 2261 and insert the title of S.F. No. 2402, the first engrossment.

And when so amended H.F. No. 2261 will be identical to S.F. No. 2402,

and further recommends that H.F. No. 2261 be given its second reading and substituted for S.F. No. 2402, 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. 2025 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2025	1916				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2025 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2025 and insert the language after the enacting clause of S.F. No. 1916, the first engrossment; further, delete the title of H.F. No. 2025 and insert the title of S.F. No. 1916, the first engrossment.

And when so amended H.F. No. 2025 will be identical to S.F. No. 1916, and further recommends that H.F. No. 2025 be given its second reading and substituted for S.F. No. 1916, 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. Dahl from the Committee on Education, to which were referred the following appointments as reported in the Journal for February 24, 1992:

**MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY**

Kathryn Balstad Brewer

**STATE BOARD FOR COMMUNITY COLLEGES**

Craig Shaver

**STATE BOARD OF TECHNICAL COLLEGES**

Joan "Jody" Olson

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

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

Mr. Dahl from the Committee on Education, to which was referred the following appointment as reported in the Journal for February 27, 1992:

STATE BOARD OF TECHNICAL COLLEGES

Terance Smith

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

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

Mr. Dahl from the Committee on Education, to which were referred the following appointments as reported in the Journal for March 20, 1992:

BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

Philip C. Brunelle  
Jean W. Greener  
Sheila Livingston

STATE BOARD FOR COMMUNITY COLLEGES

Margaret Dolan

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

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

Mr. Dahl from the Committee on Education, to which was referred the following appointment as reported in the Journal for March 25, 1992:

STATE BOARD OF EDUCATION

George Jernberg

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

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

Mr. Dahl from the Committee on Education, to which were referred the following appointments as reported in the Journal for March 26, 1992:

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

Sharon L. Bailey-Bok  
Carl W. Cummins III  
Edward F. Zachary

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

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 1878, 2509, 1512, 2030, 2451, 2095, 2143 and 2732 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 2147, 2854, 2261 and 2025 were read the second time.

**MOTIONS AND RESOLUTIONS**

Ms. Berglin moved that the name of Mr. Knaak be added as a co-author to S.F. No. 2603. The motion prevailed.

**CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 21, Mr. Spear moved that the following members be excused for a Conference Committee on H.F. No. 1849 at 1:30 p.m.:

Messrs. Marty, Kelly, McGowan, Spear and Ms. Ranum. The motion prevailed.

**CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 21, Mr. Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 2940 at 12:30 p.m.:

Mrs. Brataas, Ms. Reichgott, Messrs. Frederickson, D.J.; Pogemiller and Johnson, D.J. The motion prevailed.

**MOTIONS AND RESOLUTIONS - CONTINUED**

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

**GENERAL ORDERS**

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

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

S.F. No. 2418 and H.F. No. 2435, which the committee recommends to pass.

S.F. No. 2376, which the committee recommends to pass with the following amendments offered by Messrs. Morse and Lessard:

Mr. Morse moved to amend S.F. No. 2376 as follows:

Page 2, after line 14, insert:

"Sec. 4. [97A.026] [AGRICULTURAL CROP PROTECTION ASSISTANCE.]

*Subdivision 1. [DEFINITIONS.] (a) For the purposes of this section, "agricultural crops" means annually seeded crops, legumes, fruit orchards, tree farms and nurseries, turf farms, and apiaries.*

*(b) For the purposes of this section, "specialty crops" means fruit*

*orchards, vegetables, tree farms and nurseries, turf farms, and apiaries.*

*Subd. 2. [TECHNICAL ASSISTANCE.] The commissioner shall establish a statewide program to provide technical assistance to persons for the protection of agricultural crops from destruction by wild animals. As part of the program, the commissioner shall develop and identify the latest and most effective abatement techniques; acquire appropriate demonstration supplies and materials required to meet specialized needs; train property owners, field staff, public land managers, extension agents, pest control operators, and others; provide technical manuals and brochures; and provide field personnel with supplies and materials for damage abatement demonstrations and short-term assistance and for the establishment of food or lure crops where appropriate.*

*Subd. 3. [DETERRENT MATERIALS ASSISTANCE.] (a) A person may apply to the commissioner for deterrent materials assistance in controlling destruction of specialty crops by wild animals. Subject to the availability of money appropriated for this purpose, the commissioner shall provide suitable deterrent materials, at no cost to the applicant, for the protection of specialty crops when the commissioner estimates that the benefit from the use of the deterrent materials is greater than twice the cost of providing the materials. Deterrent materials may include repellents or fencing materials. The total value of deterrent materials provided to a single landowner under this subdivision must not exceed \$3,000. The landowner is responsible for implementing the deterrent system, including the placement and operation of repellents or the erection and maintenance of fences.*

*(b) In providing assistance to landowners under this subdivision, the commissioner shall prioritize projects based on their relative benefit-cost ratios and shall give first priority to fencing projects required by court order issued on or before May 1, 1992.*

*(c) If a landowner who has received assistance under this subdivision in the form of materials with a design life of more than five years sells the property within five years after installation of the materials, the landowner shall reimburse the commissioner for the value of the materials, prorated over the remainder of the five-year period."*

Page 2, after line 27, insert:

"Sec. 6. Minnesota Statutes 1990, section 97A.441, is amended by adding a subdivision to read:

*Subd. 7. [OWNERS OR TENANTS OF AGRICULTURAL LAND.] (a) The commissioner may issue, without an additional fee, a license to take a second deer with firearms under section 97B.301, subdivision 4, to a person who is an owner or tenant and lives on at least 40 acres of agricultural land, as defined in section 97B.001, in an area where the commissioner has made these licenses available. Landowners and tenants applying for a license under this subdivision must receive preference over other applicants for the licenses.*

*(b) Persons who obtain a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season."*

Page 4, after line 2, insert:

"Sec. 13. [APPROPRIATIONS.]

(a) \$250,000 is appropriated from the game and fish fund to the commissioner of natural resources to implement the technical assistance program under section 4, subdivision 2.

(b) \$200,000 is appropriated from the general fund to the commissioner of natural resources to purchase deterrent materials to be provided to landowners under section 4, subdivision 3.

(c) The approved complement of the department of natural resources is increased by two game and fish fund positions."

Page 4, line 4, delete "Section 10 is" and insert "Sections 6 and 12 are"

Renumber the sections in sequence

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Beckman	DeCramer	Johnston	Morse	Stumpf
Benson, D.D.	Finn	Kelly	Pappas	Traub
Berg	Frederickson, D.R.	Larson	Piper	Vickerman
Bernhagen	Halberg	Luther	Price	
Bertram	Hughes	Mehrkens	Riveness	
Davis	Johnson, D.E.	Moe, R.D.	Sams	
Day	Johnson, J.B.	Mondale	Solon	

Those who voted in the negative were:

Adkins	Flynn	Laidig	Neuville	Terwilliger
Belanger	Frank	Lessard	Pariseau	
Benson, J.E.	Knaak	McGowan	Ranum	
Berglin	Kroening	Metzen	Renneke	

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend S.F. No. 2376 as follows:

Page 2, after line 27, insert:

"Sec. 5. Minnesota Statutes 1991 Supplement, section 97A.475, subdivision 2, is amended to read:

Subd. 2. [RESIDENT HUNTING.] Fees for the following licenses, to be issued to residents only, are:

- (1) for persons under age 65 to take small game, \$10;
- (2) for persons age 65 or over, \$5;
- (3) to take turkey, \$16;
- (4) for persons age 16 or over to take deer with firearms, \$22;
- (5) for persons under age 16 to take deer with firearms, \$11;
- (6) for persons age 16 or over to take deer by archery, \$22;
- ~~(6)~~ (7) for persons under age 16 to take deer by archery, \$11;
- (8) to take a second deer under section 97B.301, subdivision 4, \$11;
- (9) to take moose, for a party of not more than six persons, \$275;
- ~~(7)~~ (10) to take bear, \$33;

- (8) (11) to take elk, for a party of not more than two persons, \$220; and  
 (9) (12) to take antlered deer in more than one zone, \$44."

Page 3, after line 17, insert:

"Sec. 9. Minnesota Statutes 1990, section 97B.301, subdivision 4, is amended to read:

Subd. 4. [TAKING TWO DEER.] The commissioner may, by order, allow a person to take two deer. The commissioner shall prescribe the conditions for taking the second deer including:

- (1) taking by firearm or archery; and
- (2) obtaining an additional license; and
- (3) payment of a fee not more than the fee for a firearms deer license."

Page 4, after line 3, insert:

"Sections 5 and 9 are effective for the licensing year beginning March 1, 1992, and for each licensing year thereafter."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 4, after "contests;" insert "deer license fees for residents under age 16 and for licenses to take a second deer;"

Page 1, line 9, after "97B.071;" insert "97B.301, subdivision 4;"

Page 1, line 11, delete "section" and insert "sections" and before the period, insert "; and 97A.475, subdivision 2"

The motion prevailed. So the amendment was adopted.

Mr. Lessard then moved to amend S.F. No. 2376 as follows:

Page 1, after line 12, insert:

"Section 1. Minnesota Statutes 1991 Supplement, section 84.085, is amended by adding a subdivision to read:

*Subd. 1a. [ADVANCE OF MATCHING FUNDS.] The commissioner may advance funds appropriated for fish and wildlife programs to government agencies, the National Fish and Wildlife Foundation, federally recognized Indian tribes and bands, and private, nonprofit organizations for the purposes of securing nonstate matching funds for projects involving acquisition and improvement of, and research and management relating to, fish and wildlife habitat. The commissioner shall execute agreements or contracts with the matching parties under section 16B.06 before advancing any state funds. The agreement or contract must contain provisions for return of the state's share and the match funds within a period of time specified by the commissioner. The state's funds and the nonstate matching funds must be deposited in a separate account and spent solely for the purposes set forth in the agreement or contract. The commissioner shall enter into agreements or contracts only with parties deemed by the commissioner to be dedicated to the purposes of the project."*

Page 4, line 4, before "Section" insert "Section 1 is effective July 1, 1992."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend S.F. No. 2376 as follows:

Page 3, after line 22, insert:

“Sec. 9. Minnesota Statutes 1990, section 97C.355, subdivision 2, is amended to read:

Subd. 2. [LICENSE REQUIRED.] A person may not take fish from a dark house or fish house unless the house is licensed and has a metal license tag attached to the exterior as prescribed by the commissioner, *except as provided in this subdivision*. The commissioner must issue a metal tag that is at least two inches in diameter with a 3/16 inch hole in the center with a dark house or fish house license. The metal tag must be stamped with a number to correspond with the license and the year of issue. *A dark house or fish house license is not required of a resident on boundary waters where the adjacent state does not charge a fee for the same activity.*”

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 6, after “seasons;” insert “dark house and fish house licenses on certain boundary waters;”

Page 1, line 10, before “97C.375” insert “97C.355, subdivision 2;”

The motion prevailed. So the amendment was adopted.

S.F. No. 2144, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Page 3, line 9, delete “\$116,500,000” and insert “\$62,000,000”

Page 3, line 10, delete “\$87,400,000” and insert “\$44,000,000”

Page 3, line 11, delete “\$29,100,000” and insert “\$18,000,000”

Page 3, line 18, delete “\$63,000,000” and insert “\$30,000,000” and delete everything after “1995”

Page 3, line 19, delete everything before the period

The motion prevailed. So the amendment was adopted.

S.F. No. 738, which the committee recommends to pass with the following amendments offered by Messrs. Merriam, Morse and McGowan:

Mr. Merriam moved to amend S.F. No. 738 as follows:

Page 5, line 11, delete “\$500 for each facility” and insert “\$200 for zero releases and transfers annually, \$400 for more than zero releases and transfers but not exceeding 25,000 pounds annually, and \$800 for releases and transfers exceeding 25,000 pounds annually”

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend S.F. No. 738 as follows:

Page 1, after line 10, insert:

“Section 1. Minnesota Statutes 1991 Supplement, section 115E.04, subdivision 2, is amended to read:

Subd. 2. [TIMING.] (a) A person required to be prepared under section 115E.03, *other than a person who owns or operates a motor vehicle, rolling stock, or a facility that stores less than 250,000 gallons of oil or a hazardous substance*, shall complete the response plan required by this section by March 1, 1993, unless one of the commissioners orders the person to demonstrate preparedness at an earlier date under section 115E.05. Plans must be updated every three years. Plans must be updated before three years following a significant discharge, upon significant change in vessel or facility operation or ownership, upon significant change in the national or area contingency plans under the Oil Pollution Act of 1990, or upon change in the capabilities or role of a person named in a plan who has an important response role.

(b) *A person who owns or operates a motor vehicle, rolling stock, or a facility that stores less than 250,000 gallons of oil or a hazardous substance shall complete the response plan required by this section by January 1, 1994.*"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. McGowan moved to amend S.F. No. 738 as follows:

Page 3, line 9, delete "and"

Page 3, line 10, after "*representatives*," insert "*and representatives of affected parties*."

Page 3, line 16, delete "and"

Page 3, line 17, before the semicolon, insert ", *and other factors*"

The motion prevailed. So the amendment was adopted.

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

## MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2181 a Special Order to be heard immediately.

### SPECIAL ORDER

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.

Ms. Ranum moved to amend H.F. No. 2181, the unofficial engrossment, as follows:

Page 23, after line 24, insert:

*“Subd. 5. [DUTY; EVIDENCE.] Sections 12 to 16 do not create a duty to perform a background check.”*

The motion prevailed. So the amendment was adopted.

Ms. Ranum then moved to amend H.F. No. 2181, the unofficial engrossment, as follows:

Page 25, line 28, delete *“except that”* and insert *“when maintained by a person subject to chapter 13, or may be released only with the subject’s consent, if maintained by a person not subject to chapter 13.”*

Page 29, line 22, delete *“private”*

The motion prevailed. So the amendment was adopted.

Mr. Marty moved to amend H.F. No. 2181, the unofficial engrossment, as follows:

Page 4, after line 32, insert:

*“Sec. 4. Minnesota Statutes 1990, section 13.69, is amended by adding a subdivision to read:*

*Subd. 3. [COMMERCIAL LISTS.] The commissioner of public safety may not release data on individuals contained in driver’s license or motor vehicle registration records if the data that are released will be used for commercial purposes as part of a list for mailing or telephone solicitation. This subdivision does not apply to the release of data to a motor vehicle manufacturer or its designee for the purpose of notifying purchasers of a motor vehicle recall.”*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Knaak moved to amend the Marty amendment to H.F. No. 2181 as follows:

Page 1, line 6, after *“COMMERCIAL”* insert *“OR POLITICAL”*

Page 1, line 9, after *“commercial”* insert *“or political”*

The question was taken on the adoption of the Knaak amendment to the Marty amendment.

The roll was called, and there were yeas 49 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, J.B.	Merriam	Price
Beckman	Day	Johnston	Metzen	Ranum
Belanger	DeCramer	Kelly	Moe, R. D.	Renneke
Benson, D.D.	Dicklich	Knaak	Mondale	Riveness
Benson, J.E.	Finn	Larson	Neuville	Spear
Bernhagen	Flynn	Lessard	Olson	Stumpf
Bertram	Frank	Luther	Pappas	Terwilliger
Brataas	Hottinger	Marty	Pariseau	Traub
Chmielewski	Hughes	McGowan	Piper	Vickerman
Cohen	Johnson, D.E.	Mehrkens	Pogemiller	

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Marty amendment, as amended.

The roll was called, and there were yeas 18 and nays 35, as follows:

Those who voted in the affirmative were:

Beckman	Finn	Hottinger	Piper	Spear
Chmielewski	Flynn	Luther	Price	Traub
Davis	Gustafson	Marty	Ranum	
Dicklich	Halberg	Pappas	Sams	

Those who voted in the negative were:

Adkins	Brataas	Hughes	Mehrkens	Olson
Belanger	Cohen	Johnson, D.E.	Merriam	Pariseau
Benson, D.D.	Day	Johnston	Metzen	Renneke
Benson, J.E.	DeCramer	Knaak	Moe, R. D.	Riveness
Berg	Frank	Kroening	Mondale	Stumpf
Bernhagen	Frederickson, D.J.	Larson	Neuville	Terwilliger
Bertram	Frederickson, D.R.	McGowan	Novak	Vickerman

The motion did not prevail. So the Marty amendment, as amended, was not adopted.

Mr. Merriam moved to amend H.F. No. 2181, the unofficial engrossment, as follows:

Page 31, after line 14, insert:

“Sec. 32. [REPEALER.]

*Laws 1990, chapter 566, section 9, is repealed.*”

Page 31, line 19, after the period, insert “*Section 32 is effective July 31, 1992.*”

ReNUMBER the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2181 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1399, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1399: A bill for an act relating to utilities; determining when reconciliation of actual assessments to public utilities and telephone companies must be completed; amending Minnesota Statutes 1990, sections 216B.62, subdivision 3; and 237.295, subdivision 2.

Senate File No. 1399 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1992

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2800:

H.F. No. 2800: A bill for an act relating to health care; providing health coverage for low-income uninsured persons; establishing statewide and regional cost containment programs; reforming requirements for health insurance companies; establishing rural health system initiatives; creating quality of care and data collection programs; revising malpractice laws; transferring authority for regulation of health maintenance organizations from the commissioner of health to the commissioner of commerce; giving the commissioner of health certain duties; creating a health care access account; imposing taxes; appropriating money; amending Minnesota Statutes 1990, sections 16A.124, by adding a subdivision; 43A.17, subdivision 9; 43A.316, by adding subdivisions; 60B.03, subdivision 2; 60B.15; 60B.20; 62A.02, subdivisions 1, 2, 3, and by adding subdivisions; 62D.01, subdivision 2; 62D.02, subdivision 3, and by adding a subdivision; 62D.03; 62D.04; 62D.05, subdivision 6; 62D.06, subdivision 2; 62D.07, subdivisions

2, 3, and 10; 62D.08; 62D.09, subdivisions 1 and 8; 62D.10, subdivision 4; 62D.11; 62D.12, subdivisions 1, 2, and 9; 62D.121, subdivisions 2, 3a, 4, 5, and 7; 62D.14; 62D.15; 62D.16; 62D.17; 62D.18; 62D.19; 62D.20, subdivision 1; 62D.21; 62D.211; 62D.22, subdivision 10; 62D.24; and 62D.30, subdivisions 1 and 3; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 9, and by adding a subdivision; 62H.01; 136A.1355, subdivisions 2 and 3; 144.581, subdivision 1; 144.699, subdivision 2; 145.682, subdivision 4; 256.936, subdivisions 1, 2, 3, 4, and by adding subdivisions; 256B.057, by adding a subdivision; 290.01, subdivision 19b; 290.06, by adding a subdivision; 290.62; and 447.31, subdivisions 1 and 3; Minnesota Statutes 1991 Supplement, sections 62A.31, subdivision 1; 62D.122; 145.61, subdivision 5; 145.64, subdivision 2; 256.936, subdivision 5; and 297.02, subdivision 1; 297.03, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 16A; 43A; 62A; 62E; 62J; 136A; 137; 144; 214; 256; 256B; and 604; proposing coding for new law as Minnesota Statutes, chapter 62L; repealing Minnesota Statutes 1990, sections 43A.316, subdivisions 1, 2, 3, 4, 5, 6, 7, and 10; 62A.02, subdivisions 4 and 5; 62D.041, subdivision 4; 62D.042, subdivision 3; 62E.51; 62E.52; 62E.53; 62E.54; and 62E.55; Minnesota Statutes 1991 Supplement, section 43A.316, subdivisions 8 and 9.

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

Ogren, Greenfield, Gruenes, Cooper and Stanius have been appointed as such committee on the part of the House.

House File No. 2800 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 April 13, 1992

Ms. Berglin moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2800, 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.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

### **REPORTS OF COMMITTEES**

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 850: A bill for an act relating to agriculture; providing for a central computerized filing system for effective financing statements and farm products statutory lien notices; appropriating money; proposing coding

for new law as Minnesota Statutes, chapter 336A; repealing Minnesota Statutes 1990, sections 223A.02; 223A.03; 223A.04; 223A.05; 223A.06; and 223A.07.

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

Page 1, after line 9, insert:

“Section 1. Minnesota Statutes 1991 Supplement, section 336.9-413, is amended to read:

336.9-413 [UNIFORM COMMERCIAL CODE ACCOUNT.]

(a) The uniform commercial code account is established as an account in the state treasury.

(b) The filing officer with whom a financing statement, amendment, assignment, statement of release, or continuation statement is filed, or to whom a request for search is made, shall collect a \$4 surcharge on each filing or search, *except that the surcharge is \$5 during the fiscal year ending June 30, 1993*. By the 15th day following the end of each fiscal quarter, each county recorder shall forward the receipts from the surcharge accumulated during that fiscal quarter to the secretary of state. The surcharge does not apply to a search request made by a natural person who is the subject of the data to be searched except when a certificate is requested as a part of the search.

(c) The surcharge amounts received from county recorders and the surcharge amounts collected by the secretary of state's office must be deposited in the state treasury and credited to the general fund.

(d) Fees that are not expressly set by statute but are charged by the secretary of state to offset the costs of providing a service under sections 336.9-411 to 336.9-413 must be deposited in the state treasury and credited to the uniform commercial code account.

(e) Fees that are not expressly set by statute but are charged by the secretary of state to offset the costs of providing information contained in the computerized records maintained by the secretary of state must be deposited in the state treasury and credited to the uniform commercial code account.

(f) Money in the uniform commercial code account is continuously appropriated to the secretary of state to implement and maintain the computerized uniform commercial code filing system under section 336.9-411 and to provide electronic-view-only access to other computerized records maintained by the secretary of state.”

Page 2, lines 1 and 20, delete “3” and insert “4”

Page 4, line 19, delete “6” and insert “7”

Page 6, line 27, delete “9” and insert “10”

Page 9, line 26, delete “11” and insert “12”

Page 10, lines 8 and 30, delete “11” and insert “12”

Page 14, lines 13, 15, and 36, delete “11” and insert “12”

Page 15, line 3, delete “11” and insert “12”

Page 15, delete section 17

Page 15, delete section 19

Page 15, line 36, delete "FARM PRODUCTS FILING ACCOUNT" and insert "AMOUNT" and delete "\$ . . . ." and insert "\$357,000"

Page 16, line 1, after "*appropriated*" insert "*to the secretary of state*" and delete everything after "*fund*"

Page 16, line 2, delete everything before "*for*"

Page 16, line 3, delete "*to*"

Page 16, line 4, delete everything before the period

Page 16, line 6, delete ". . . . . *persons*" and insert "*five positions*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "increasing the surcharge on uniform commercial code filings and searches;"

Page 1, line 5, after the semicolon, insert "amending Minnesota Statutes 1991 Supplement, section 336.9-413;"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

H.F. No. 57: A bill for an act relating to taxation; property; making technical corrections to, and clarifications to, the calculation of certain special levies, the calculation of the levy limit base, the calculation of the amount of market value reductions in certain property tax discrimination actions, certain special levy referendum provisions, and to the effective dates of certain aid reductions; amending Minnesota Statutes 1990, sections 275.50, subdivision 5; 275.51, subdivision 3f; and 278.05, subdivision 4; Laws 1990, chapter 604, article 3, sections 49, subdivision 3; 50, subdivision 3; 51, subdivision 3; 59, subdivision 2; and 61, subdivision 2; and article 4, section 22.

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 1991 Supplement, section 256D.05, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY.] (a) Each person or family whose income and resources are less than the standard of assistance established by the commissioner and who is a resident of the state shall be eligible for and entitled to general assistance if the person or family is:

(1) a person who is suffering from a professionally certified permanent or temporary illness, injury, or incapacity which is expected to continue for more than 30 days and which prevents the person from obtaining or retaining employment;

(2) a person whose presence in the home on a substantially continuous basis is required because of the professionally certified illness, injury, incapacity, or the age of another member of the household;

(3) a person who has been placed in, and is residing in, a licensed or certified facility for purposes of physical or mental health or rehabilitation, or in an approved chemical dependency domiciliary facility, if the placement is based on illness or incapacity and is pursuant to a plan developed or approved by the county agency through its director or designated representative;

(4) a person who resides in a shelter facility described in subdivision 3;

(5) a person not described in clause (1) or (3) who is diagnosed by a licensed physician, licensed psychologist, or other qualified professional, as mentally retarded or mentally ill, and that condition prevents the person from obtaining or retaining employment;

(6) a person who has an application pending for, or is appealing termination of benefits from, the social security disability program or the program of supplemental security income for the aged, blind, and disabled, provided the person has a professionally certified permanent or temporary illness, injury, or incapacity which is expected to continue for more than 30 days and which prevents the person from obtaining or retaining employment;

(7) a person who is unable to obtain or retain employment because advanced age significantly affects the person's ability to seek or engage in substantial work;

(8) a person who, following participation in the work readiness program, completion of an individualized employability assessment by the work readiness service provider, and consultation between the county agency and the work readiness service provider, the county agency determines is not employable. For purposes of this item, a person is considered employable if the county agency determines that there exist positions of employment in the local labor market, regardless of the current availability of openings for those positions, that the person is capable of performing. Eligibility under this category must be reassessed at least annually by the county agency and must be based upon the results of a new individualized employability assessment completed by the work readiness service provider. The recipient shall, if otherwise eligible, continue to receive general assistance while the annual individualized employability assessment is completed by the work readiness service provider, rather than receive work readiness payments under section 256D.051. Subsequent eligibility for general assistance is dependent upon the county agency determining, following consultation with the work readiness service provider, that the person is not employable, or the person meeting the requirements of another general assistance category of eligibility over age 18 whose primary language is not English and who is attending high school at least half time;

(9) a person who is determined by the county agency, in accordance with emergency and permanent rules adopted by the commissioner, to be learning disabled, provided that if a rehabilitation plan for the person is developed or approved by the county agency, the person is following the plan;

(10) a child under the age of 18 who is not living with a parent, stepparent, or legal custodian, but only if: the child is legally emancipated or living with an adult with the consent of an agency acting as a legal custodian; the child is at least 16 years of age and the general assistance grant is approved by the director of the county agency or a designated representative as a component of a social services case plan for the child; or the child is living with an adult with the consent of the child's legal custodian and the county

agency. For purposes of this clause, "legally emancipated" means a person under the age of 18 years who: (i) has been married; (ii) is on active duty in the uniformed services of the United States; (iii) has been emancipated by a court of competent jurisdiction; or (iv) is otherwise considered emancipated under Minnesota law, and for whom county social services has not determined that a social services case plan is necessary, for reasons other than that the child has failed or refuses to cooperate with the county agency in developing the plan;

(11) a woman in the last trimester of pregnancy who does not qualify for aid to families with dependent children. A woman who is in the last trimester of pregnancy who is currently receiving aid to families with dependent children may be granted emergency general assistance to meet emergency needs;

(12) a person who is eligible for displaced homemaker services, programs, or assistance under section 268.96, but only if that person is enrolled as a full-time student;

(13) ~~a person who lives more than two hours round-trip traveling time from any potential suitable employment; and~~

~~(14) a person who is involved with protective or court-ordered services that prevent the applicant or recipient from working at least four hours per day; and~~

~~(15) (14) a family as defined in section 256D.02, subdivision 5, which is ineligible for the aid to families with dependent children program. If all children in the family are six years of age or older, or if suitable child care is available for children under age six at no cost to the family, all the adult members of the family must register for and cooperate in the work readiness program under section 256D.051. If one or more of the children is under the age of six and suitable child care is not available without cost to the family, all the adult members except one adult member must register for and cooperate with the work readiness program under section 256D.051. The adult member who must participate in the work readiness program is the one having earned the greater of the incomes, excluding in-kind income, during the 24-month period immediately preceding the month of application for assistance. When there are no earnings or when earnings are identical for each adult, the applicant must designate the adult who must participate in work readiness and that designation must not be transferred or changed after program eligibility is determined as long as program eligibility continues without an interruption of 30 days or more. The adult members required to register for and cooperate with the work readiness program are not eligible for financial assistance under section 256D.051, except as provided in section 256D.051, subdivision 6, and shall be included in the general assistance grant. If an adult member fails to cooperate with requirements of section 256D.051, the local agency shall not take that member's needs into account in making the grant determination as provided by the termination provisions of section 256D.051, subdivision 1a, paragraph (b). The time limits of section 256D.051, subdivision 1, do not apply to persons eligible under this clause.~~

*(15) a person who is a drug dependent person as defined in section 254A.02, subdivision 5, and that condition prevents the person from obtaining or retaining employment. The determination of drug dependency must be made by an assessor qualified under Minnesota Rules, part 9530.6615, subpart 2, to perform an assessment of chemical use;*

*(16) a person who is unable to obtain or retain employment because the person is functionally illiterate and the person is participating in a literacy program, GED, or high school assigned by the county agency; and*

*(17) a person certified by a qualified professional as exhibiting perceptible symptoms of mental illness and is not eligible under clause (1) or (3) because the mental illness interferes with diagnosis and certification of the illness, and the person cooperates with an annual review by the county agency.*

*A person under clause (16) must participate in the education program and must actively search for work, as provided in the person's employability development plan. If a person under clause (16) fails to comply with education and work search requirements, the person is subject to the penalties under section 256D.101.*

(b) Persons or families who are not state residents but who are otherwise eligible for general assistance may receive emergency general assistance to meet emergency needs.

(c) As a condition of eligibility under paragraph (a), clauses (1), (3), (5), (8), and (9), the recipient must complete an interim assistance agreement and must apply for other maintenance benefits as specified in section 256D.06, subdivision 5, and must comply with efforts to determine the recipient's eligibility for those other maintenance benefits.

(d) The burden of providing documentation for a county agency to use to verify eligibility for general assistance or work readiness is upon the applicant or recipient. The county agency shall use documents already in its possession to verify eligibility, and shall help the applicant or recipient obtain other existing verification necessary to determine eligibility which the applicant or recipient does not have and is unable to obtain.

Sec. 2. Minnesota Statutes 1991 Supplement, section 256D.051, subdivision 1, is amended to read:

Subdivision 1. [WORK REGISTRATION.] (a) Except as provided in this subdivision, persons who are residents of the state and whose income and resources are less than the standard of assistance established by the commissioner, but who are not categorically eligible under section 256D.05, subdivision 1, are eligible for the work readiness program for a ~~maximum period of five consecutive calendar months during any 12 consecutive calendar month period,~~ subject to the provisions of ~~paragraph (d),~~ subdivision 3, and section 256D.052, subdivision 4. The person's ~~five-month~~ eligibility period begins on the first day of the calendar month following the date of application for assistance or following the date all eligibility factors are met, whichever is later, ~~and ends on the last day of the fifth consecutive calendar month, whether or not the person has received benefits for all five months.~~ The person is not eligible to receive work readiness benefits during the seven calendar months immediately following the five-month eligibility period; however, the person may voluntarily continue to participate in work readiness services for up to three additional consecutive months immediately following the last month of benefits to complete the provisions of the person's employability development plan. Prior to terminating work readiness assistance the county agency must provide advice on the person's eligibility for general assistance medical care and must assess the person's eligibility for general assistance under section 256D.05 to the extent possible, using information in the case file, and determine the person's eligibility for general assistance. A determination that the person is not eligible for general assistance must be stated in the notice of

~~termination of work readiness benefits. If orientation is available within three weeks after the date eligibility is determined, initial payment will not be made until the registrant attends orientation to the work readiness program.~~

(b) Persons, families, and married couples who are not state residents but who are otherwise eligible for work readiness assistance may receive emergency assistance to meet emergency needs.

(c) Except for family members who must participate in work readiness services under the provisions of section 256D.05, subdivision 1, clause (14), any person who would be defined for purposes of the food stamp program as being enrolled at least half-time in an institution of higher education is ineligible for the work readiness program.

~~(d) Notwithstanding the provisions of sections 256.045 and 256D.10, during the pendency of an appeal, work readiness payments and services shall not continue to a person who appeals the termination of benefits due to exhaustion of the period of eligibility specified in paragraph (a) or (d).~~

Sec. 3. Minnesota Statutes 1991 Supplement, section 256D.051, subdivision 1a, is amended to read:

Subd. 1a. [WORK READINESS PAYMENTS.] (a) Except as provided in this subdivision, grants of work readiness shall be determined using the standards of assistance, exclusions, disregards, and procedures which are used in the general assistance program. Work readiness shall be granted in an amount that, when added to the nonexempt income actually available to the assistance unit, the total amount equals the applicable standard of assistance.

(b) Except as provided in section 256D.05, ~~subdivision~~ *subdivisions 1 and 6*, work readiness assistance must be paid on the first day of each month.

At the time the county agency notifies the assistance unit that it is eligible for family general assistance or work readiness assistance and by the first day of each month of services, the county agency must inform all mandatory registrants in the assistance unit that they must comply with all work readiness requirements that month, and that work readiness eligibility will end at the end of the month unless the registrants comply with work readiness requirements specified in the notice. A registrant who fails, without good cause, to comply with requirements during this time period, including attendance at orientation, will lose family general assistance or work readiness eligibility without notice under section 256D.101, subdivision 1, paragraph (b). The registrant shall, however, be sent a notice no later than five days after eligibility ends, which informs the registrant that family general assistance or work readiness eligibility has ended in accordance with this section for failure to comply with work readiness requirements. The notice shall set forth the factual basis for such determination and advise the registrant of the right to reinstate eligibility upon a showing of good cause for the failure to meet the requirements. Subsequent assistance must not be issued unless the person completes an application, is determined eligible, and complies with the *time periods outlined in section 256D.101, subdivision 4, and with the work readiness requirements that had not been complied with*, or demonstrates that the person had good cause for failing to comply with the requirement. ~~The time during which the person is ineligible under these provisions is counted as part of the person's period of eligibility under subdivision 1.~~

(c) ~~Notwithstanding the provisions of section 256D.01, subdivision 1a, paragraph (d), when one member of a married couple has exhausted the five months of work readiness eligibility in a 12-month period and the other member has one or more months of eligibility remaining within the same 12-month period, the standard of assistance applicable to the member who remains eligible is the first adult standard in the aid to families with dependent children program.~~

(d) Notwithstanding sections 256.045 and 256D.10, during the pendency of an appeal, work readiness payments and services shall not continue to a person who appeals the termination of benefits under paragraph (b).

Sec. 4. Minnesota Statutes 1990, section 256D.051, is amended by adding a subdivision to read:

*Subd. 17. [START WORK GRANTS.] Within the limit of available appropriations, the county agency may make grants necessary to enable work readiness recipients to accept bona fide offers of employment. The grants may be made for costs directly related to starting employment, including transportation costs, clothing, tools and equipment, license or other fees, and relocation. Start work grants are available once in any 12-month period to a recipient. The commissioner shall allocate money appropriated for start work grants to counties based on each county's work readiness caseload in the 12 months ending in March for each following state fiscal year and may reallocate any unspent amounts.*

Sec. 5. [256D.091] [GRANT DIVERSION.]

*Subdivision 1. [DEFINITIONS.] (a) "Diverted grant" means the amount of the general assistance grant or work readiness assistance payment, not exceeding the standard of assistance for one person, that is available for a wage subsidy.*

*(b) "Net monthly wage" means the income remaining to a registrant after taking the disregards and exclusions from income under section 256D.06.*

*(c) "Registrant" means a recipient of general assistance or work assistance who is participating in a grant diversion employment and employment-related program.*

*Subd. 2. [GRANT DIVERSION PROGRAM.] (a) The county agency may establish a grant diversion program for payment of all or a part of a recipient's general assistance or work readiness grant to a private or non-profit employer who agrees to employ the recipient in a permanent job or to a public employer who agrees to employ the recipient in a permanent job or an approved community investment program. The county agency may administer and deliver grant diversions directly or may contract for delivery of the program according to section 268.871.*

*(b) The county agency shall assess a registrant's continued eligibility for general assistance or work readiness assistance before the end of the registrant's grant diversion period.*

*(c) The county agency shall submit fiscal and summary reports required by the commissioner.*

*Subd. 3. [REGISTRANT PARTICIPATION.] (a) A recipient may refuse employment or employment-related training under the grant diversion program unless the recipient lacks a work history or local work reference and the recipient's employability plan requires participation in a community*

*investment program.*

*(b) A recipient may participate in a grant diversion program for up to four months.*

*(c) During participation in the grant diversion program, a registrant must submit to the county agency the monthly food stamp eligibility household report form.*

*Subd. 4. [CONTRACT WITH GRANT DIVERSION EMPLOYER.] The county agency or the local service unit shall enter into a written contract with a grant diversion employer. The contract must include:*

*(1) the period of time the diverted grant is available;*

*(2) the amount of the monthly diverted grant;*

*(3) the method of payment of the diverted grant;*

*(4) data gathering and reporting requirements;*

*(5) agreement by the employer not to terminate or reduce the working hours of current employees in order to participate in the grant diversion program;*

*(6) agreement by the employer to provide the registrant the same or a comparable level of wages, fringe benefits, and workers' compensation coverage that are provided other employees; and*

*(7) agreement by the employer to hire the registrant at the end of the grant diversion period.*

*Subd. 5. [NOTICE TO REGISTRANT.] The county agency or local service unit shall provide the registrant written notice of the terms of the registrant's grant diversion program, including:*

*(1) the requirement to complete the period of subsidized employment or employment-related training specified in the contract;*

*(2) the date of the first day of employment or employment-related training;*

*(3) the name, address, and occupational title of the employer;*

*(4) the hourly wage and the number of work hours per week;*

*(5) the effect of participation on work readiness eligibility;*

*(6) the maximum period of participation and the months the registrant's grant will be diverted;*

*(7) the amount of the diverted grant and the amount of any residual assistance grant; and*

*(8) the actions to be taken if the registrant fails to complete the grant diversion participation period.*

*The county agency shall maintain a copy of the notice in the registrant's case file.*

*Subd. 6. [GRANT DIVERSION MONTHLY PAYMENT.] (a) The county agency shall calculate and pay the diverted grant directly to the registrant's employer or shall reimburse an employment and training service provider that has paid the employer. The amount of monthly payment available to an employer under the grant diversion program must not exceed the monthly standard of assistance for one person.*

*(b) If a registrant is receiving assistance as a member of an assistance unit, the monthly payment to the assistance unit may be reduced only by the amount of the assistance standard for one person.*

*(c) Notwithstanding any change in resources, household, or income of the registrant or the registrant's assistance unit, eligibility for work readiness and the amount of monthly payment is not subject to change during the grant diversion period if the registrant is participating in the grant diversion program as required in the notice provided under subdivision 5.*

*Subd. 7. [MEDICAL CARE.] A registrant is eligible for general assistance medical care during the term of the grant diversion contract.*

*Subd. 8. [CHILD CARE.] A recipient who is the sole adult in an assistance unit with one or more children under 12 years of age must not be referred to the grant diversion program during hours the child is in the home unless the county agency pays any child care expenses that exceed the child care deduction from earned income.*

*Subd. 9. [DISQUALIFICATION.] A registrant who fails without good cause to complete the grant diversion period specified in the contract must be disqualified from receiving assistance as provided in section 256D.101.*

Sec. 6. Minnesota Statutes 1990, section 256D.101, is amended by adding a subdivision to read:

*Subd. 4. [PENALTIES.] Failure by a registrant to comply with work readiness requirements results in the registrant being terminated from the program for the following time periods:*

*(1) a first occurrence of noncompliance without good cause within a 12-month period results in termination of the registrant from the program until compliance with the failed requirements;*

*(2) a second occurrence without good cause within a 12-month period results in termination of the registrant from the program until compliance with the failed requirements, or three months, whichever is longer; and*

*(3) a third or subsequent occurrence of noncompliance without good cause within a 12-month period results in termination of the registrant from the program until compliance with the failed requirements, or six months, whichever is longer.*

*If the registrant complies with the requirements before the effective date of termination, the time penalties in this section do not apply.*

Sec. 7. Minnesota Statutes 1991 Supplement, section 268.551, subdivision 3, is amended to read:

*Subd. 3. [ELIGIBLE APPLICANT.] "Eligible applicant" means a person who:*

*(1) has been a resident of this state for at least one month;*

*(2) is unemployed;*

*(3) is not receiving and is not eligible to receive unemployment compensation; and*

*(4) (i) is a targeted young person as defined in Laws 1990, chapter 562, article 4, section 12, between the ages of 14 and 21, who, because of a lack of personal resources and skills, needs assistance in setting and realizing education goals and in becoming a contributing member of the community;*

or

*(ii) belongs to a category of individuals that have a national unemployment rate that is determined by the Bureau of Labor Statistics to be at least twice that of the state unemployment rate for all individuals.*

Sec. 8. Minnesota Statutes 1991 Supplement, section 268.552, is amended by adding a subdivision to read:

*Subd. 1a. [CREATION OF ADDITIONAL PROGRAM.] The commissioner shall provide wage subsidies to eligible applicants described in section 268.551, subdivision 3, clause (4)(ii), for work with an employer in the manner and amount specified in this section.*

Sec. 9. Minnesota Statutes 1991 Supplement, section 268.552, subdivision 2, is amended to read:

*Subd. 2. [AMOUNT AND DURATION OF SUBSIDY.] The maximum subsidy is \$4 per hour for wages and \$1 per hour for fringe benefits for eligible applicants described in section 268.551, subdivision 3, clause (4)(i), and \$5 per hour for wages and \$1 per hour for fringe benefits for eligible applicants described in section 268.551, subdivision 3, clause (4)(ii). The subsidy for an eligible applicant may be paid for a maximum of 1,040 hours over a period of 26 weeks. Employers are encouraged to use money from other sources to provide increased wages to applicants they employ.*

Sec. 10. Minnesota Statutes 1990, section 268.676, subdivision 1, is amended to read:

*Subdivision 1. [AMONG JOB APPLICANTS.] (a) At least 80 percent of funds allocated among eligible job applicants statewide must be allocated to:*

- (1) applicants who are receiving work readiness benefits;*
- (2) applicants living in households with no other income source;*
- (3) applicants whose incomes and resources are less than the standards for eligibility for general assistance or work readiness;*
- (4) applicants who are eligible for aid to families with dependent children and are not eligible for a federally subsidized jobs program; and*
- (5) applicants who live in a farm household who demonstrate severe household financial need.*

*(b) If there are more eligible job applicants than available positions, the priority for allocating the positions shall be the order set out in paragraph (a).*

Sec. 11. Minnesota Statutes 1990, section 268.677, subdivision 1, is amended to read:

*Subdivision 1. To the extent allowable under federal and state law, wage subsidy money must be pooled and used in combination with money from other employment and training services or income maintenance and support services. At least 75 percent of the money appropriated for wage subsidies must be used to pay wages for eligible job applicants. For each eligible job applicant employed, the maximum state contribution from any combination of public assistance grant diversion and employment and training services governed under this chapter, including wage subsidies, is \$4 \$5 per hour for wages and \$1 per hour for fringe benefits. The use of wage subsidies*

is limited as follows:

(a) For each eligible job applicant placed in private or nonprofit employment, the state may subsidize wages for a maximum of 1,040 hours over a period of 26 weeks. Employers are encouraged to use money from other sources to provide increased wages to applicants they employ.

(b) For each eligible job applicant participating in a job training program and placed in private sector employment, the state may subsidize wages for a maximum of 1,040 hours over a period of 52 weeks.

(c) For each eligible job applicant placed in a community investment program job, the state may provide wage subsidies for a maximum of 780 hours over a maximum of 26 weeks. For an individual placed in a community investment program job, the county share of the wage subsidy shall be 25 percent. Counties may use money from sources other than public assistance and wage subsidies, including private grants, contributions from nonprofit corporations and other units of government, and other state money, to increase the wages or hours of persons employed in community investment programs.

(d) Notwithstanding the limitations of paragraphs (a) and (b), money may be used to provide a state contribution for wages and fringe benefits in private sector jobs for eligible applicants who had previously held temporary jobs with eligible government and nonprofit agencies or who had previously held community investment program jobs for which a state contribution had been made, and who are among the priority groups established in section 268.676, subdivision 1. The use of money under this paragraph shall be for a maximum of 1,040 hours over a maximum period of 26 weeks per job applicant.

Sec. 12. Minnesota Statutes 1990, section 268.681, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBLE BUSINESSES.] A business employer is an eligible employer if it enters into a written contract, signed and subscribed to under oath, with a local service unit or its contractor, containing assurances that:

(a) funds received by a business shall be used only as permitted under sections 268.672 to 268.682;

(b) the business has submitted information to the local service unit or its contractor (1) describing the duties and proposed compensation of each employee proposed to be hired under the program; and (2) demonstrating that, with the funds provided under sections 268.672 to 268.682, the business is likely to succeed and continue to employ persons hired using wage subsidies;

(c) the business will use funds exclusively for compensation and fringe benefits of eligible job applicants and will provide employees hired with these funds ~~with employer-sponsored health insurance coverage that is available to employees on a group basis or other employer-sponsored health care coverage,~~ and fringe benefits and other terms and conditions of employment comparable to those provided to other employees of the business who do comparable work;

(d) the funds are necessary to allow the business to begin, or to employ additional people, but not to fill positions which would be filled even in the absence of wage subsidies;

(e) the business will cooperate with the local service unit and the commissioner in collecting data to assess the result of wage subsidies; and

(f) the business is in compliance with all applicable affirmative action, fair labor, health, safety, and environmental standards.

Sec. 13. Minnesota Statutes 1990, section 268.681, subdivision 2, is amended to read:

Subd. 2. [PRIORITIES.] (a) In allocating funds among eligible businesses, the local service unit or its contractor shall give priority to:

(1) businesses engaged in manufacturing;

(2) nonretail businesses that are small businesses as defined in section 645.445; ~~and~~

(3) businesses that export products *or services* outside the state, *or a significant percentage of whose products or services are used or consumed in the state by nonresidents; and*

(4) *businesses whose products are developed with materials from recycling.*

(b) In addition to paragraph (a), a local service unit must give priority to businesses that:

(1) have a high potential for growth and long-term job creation;

(2) are labor intensive;

(3) make high use of local and Minnesota resources;

(4) are under ownership of women and minorities;

(5) make high use of new technology;

(6) produce energy conserving materials or services or are involved in development of renewable sources of energy; and

(7) have their primary place of business in Minnesota.

Sec. 14. Minnesota Statutes 1990, section 268.682, subdivision 3, is amended to read:

Subd. 3. [EMPLOYER CERTIFICATION.] In order to qualify as an eligible employer, a government or nonprofit agency or business must certify to the eligible local service unit:

(1) *that the wage subsidy will result in an employee obtaining identifiable and portable skills and submit an on-the-job training plan to describe how portable skills will be developed; and*

(2) that each job created and funded under sections 268.672 to 268.682:

(a) will result in an increase in employment opportunities over those which would otherwise be available;

(b) will not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of nonovertime work, wages, or employment benefits; and

(c) will not impair existing contracts for service or result in the substitution of wage subsidy funds for other funds in connection with work that would otherwise be performed.

Sec. 15. Minnesota Statutes 1991 Supplement, section 290.01, subdivision 19a, is amended to read:

Subd. 19a. [ADDITIONS TO FEDERAL TAXABLE INCOME.] For individuals, estates, and trusts, there shall be added to federal taxable income:

(1)(i) interest income on obligations of any state other than Minnesota or a political or governmental subdivision, municipality, or governmental agency or instrumentality of any state other than Minnesota exempt from federal income taxes under the Internal Revenue Code or any other federal statute, and

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, except the portion of the exempt-interest dividends derived from interest income on obligations of the state of Minnesota or its political or governmental subdivisions, municipalities, governmental agencies or instrumentalities, but only if the portion of the exempt-interest dividends from such Minnesota sources paid to all shareholders represents 95 percent or more of the exempt-interest dividends that are paid by the regulated investment company as defined in section 851(a) of the Internal Revenue Code, or the fund of the regulated investment company as defined in section 851(h) of the Internal Revenue Code, making the payment; and

(2) the amount of income taxes paid or accrued within the taxable year under this chapter and income taxes paid to any other state or to any province or territory of Canada, to the extent allowed as a deduction under section 63(d) of the Internal Revenue Code, but the addition may not be more than the amount by which the itemized deductions as allowed under section 63(d) of the Internal Revenue Code exceeds the amount of the standard deduction as defined in section 63(c) of the Internal Revenue Code. For the purpose of this paragraph, the disallowance of itemized deductions under section 68 of the Internal Revenue Code of 1986, income tax is the last itemized deduction disallowed; and

(3) the capital gain amount of a lump sum distribution to which the special tax under section 1122(h)(3)(B)(ii) of the Tax Reform Act of 1986, Public Law Number 99-514, applies; and

(4) the amount of income taxes paid or accrued within the taxable year under this chapter and income taxes paid to any other state or any province or territory of Canada, to the extent allowed as a deduction in determining federal adjusted gross income. For the purpose of this paragraph, income taxes do not include the taxes imposed by sections 290.0922, subdivision 1, paragraph (b), 290.9727, 290.9728, and 290.9729; and

(5) *an amount equal to the exemptions allowed under section 151 of the Internal Revenue Code, deducted in computing federal taxable income, multiplied by the applicable disallowance percentage. The disallowance percentage equals one percentage point for each \$500 or part of \$500 of modified adjusted gross income in excess of \$100,000 for an individual filing a married joint return, \$50,000 for a married person filing a separate return, \$85,170 for a head of household, or \$56,560 for all other filers. Modified adjusted gross income is the sum of the individual's adjusted gross income under section 62 of the Internal Revenue Code and interest received or accrued by the taxpayer that is exempt from federal tax. The amount of the addition under this clause may not exceed the exemption deducted in computing federal taxable income.*

Sec. 16. Minnesota Statutes 1991 Supplement, section 290.06, subdivision 2c, is amended to read:

Subd. 2c. [SCHEDULES OF RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS.] (a) The income taxes imposed by this chapter upon married individuals filing joint returns and surviving spouses as defined in section 2(a) of the Internal Revenue Code of 1986 as amended through December 31, 1989, must be computed by applying to their taxable net income the following schedule of rates:

- (1) On the first \$19,910, 6 percent;
- (2) On all over \$19,910, but not over \$79,120, 8 percent;
- (3) On all over \$79,120, ~~8.5~~ 8.7 percent.

Married individuals filing separate returns, estates, and trusts must compute their income tax by applying the above rates to their taxable income, except that the income brackets will be one-half of the above amounts.

(b) The income taxes imposed by this chapter upon unmarried individuals must be computed by applying to taxable net income the following schedule of rates:

- (1) On the first \$13,620, 6 percent;
- (2) On all over \$13,620, but not over \$44,750, 8 percent;
- (3) On all over \$44,750, ~~8.5~~ 8.7 percent.

(c) The income taxes imposed by this chapter upon unmarried individuals qualifying as a head of household as defined in section 2(b) of the Internal Revenue Code of 1986, as amended through December 31, 1989, must be computed by applying to taxable net income the following schedule of rates:

- (1) On the first \$16,770, 6 percent;
- (2) On all over \$16,770, but not over \$67,390, 8 percent;
- (3) On all over \$67,390, ~~8.5~~ 8.7 percent.

(d) In lieu of a tax computed according to the rates set forth in this subdivision, the tax of any individual taxpayer whose taxable net income for the taxable year is less than an amount determined by the commissioner must be computed in accordance with tables prepared and issued by the commissioner of revenue based on income brackets of not more than \$100. The amount of tax for each bracket shall be computed at the rates set forth in this subdivision, provided that the commissioner may disregard a fractional part of a dollar unless it amounts to 50 cents or more, in which case it may be increased to \$1.

(e) An individual who is not a Minnesota resident for the entire year must compute the individual's Minnesota income tax as provided in this subdivision. After the application of the nonrefundable credits provided in this chapter, the tax liability must then be multiplied by a fraction in which:

(1) The numerator is the individual's Minnesota source federal adjusted gross income as defined in section 62 of the Internal Revenue Code of 1986, as amended through December 31, 1989, less the deduction allowed by section 217 of the Internal Revenue Code of 1986, as amended through December 31, 1990, after applying the allocation and assignability provisions of section 290.081, clause (a), or 290.17; and

(2) the denominator is the individual's federal adjusted gross income as defined in section 62 of the Internal Revenue Code of 1986, as amended through December 31, 1990, increased by the addition required for interest income from non-Minnesota state and municipal bonds under section 290.01, subdivision 19a, clause (1).

Sec. 17. [REVISOR INSTRUCTION.]

*The revisor is directed to change the words "emergency jobs program" wherever they appear in Minnesota Statutes and refer to the emergency jobs program under Minnesota Statutes, sections 268.672 to 268.686, to "Minnesota employment economic development program."*

Sec. 18. [APPROPRIATION.]

*\$7,000,000 is appropriated from the general fund to the commissioner of human services to meet the cost of extending eligibility for the work readiness program under sections 1 to 6.*

*\$2,000,000 is appropriated from the general fund to the commissioner of jobs and training for the biennium ending June 30, 1993, for the purposes of section 8.*

*\$10,000,000 is appropriated from the general fund to the commissioner of jobs and training for the Minnesota employment economic development program.*

Sec. 19. [APPROPRIATIONS.]

*Subdivision 1. [DEPARTMENT OF EDUCATION.] The sums indicated in this section are appropriated from the general fund to the agency indicated for fiscal year 1993.*

*Subd. 2. [VIOLENCE PREVENTION PROGRAM AID AND GRANTS.] To the department of education for community violence prevention aid and violence prevention program grants:*

*\$4,925,000 . . . . . 1993*

*Up to \$50,000 of the appropriation may be used to provide assistance to and coordination of community violence prevention programs and violence prevention grant programs.*

*Subd. 3. [LEARNING READINESS AID.] To the department of education for learning readiness aid under Minnesota Statutes, section 124.2615:*

*\$24,050,000 . . . . . 1993*

*\$50,000 of the appropriation is available to the department of education to use for administration of the learning readiness program.*

*Notwithstanding Minnesota Statutes, section 124.14, subdivision 7, any excess appropriation in fiscal year 1993 shall be used to reduce any deficiency in the appropriation for learning readiness in fiscal year 1992.*

Sec. 20. [REPEALER.]

*Minnesota Statutes 1990, sections 256D.052, as amended by Laws 1991, chapter 292, article 5, sections 43 and 44; 256D.09, subdivision 3; and 268.6751, subdivision 2, are repealed.*

Sec. 21. [EFFECTIVE DATE.]

*Sections 15 and 16 are effective for taxable years beginning after December 31, 1991.*"

Delete the title and insert:

"A bill for an act relating to jobs and training; amending general assistance eligibility; providing for continuous eligibility for work readiness; providing for start work grants; establishing a grant diversion program; providing for wage subsidy programs; reducing deductions for personal exemptions; increasing income tax rates; providing funding for violence prevention and learning readiness programs; appropriating money; amending Minnesota Statutes 1990, sections 256D.051, by adding a subdivision; 256D.101, by adding a subdivision; 268.676, subdivision 1; 268.677, subdivision 1; 268.681, subdivisions 1 and 2; 268.682, subdivision 3; Minnesota Statutes 1991 Supplement, sections 256D.05, subdivision 1; 256D.051, subdivisions 1 and 1a; 268.551, subdivision 3; 268.552, subdivision 2, and by adding a subdivision; 290.01, subdivision 19a; 290.06, subdivision 2c; proposing coding for new law in Minnesota Statutes, chapter 256D; repealing Minnesota Statutes 1990, sections 256D.052, as amended; 256D.09, subdivision 3; and 268.6751, subdivision 2."

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

Mr. Merriam from the Committee on Finance, to which was referred

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.

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 299A.41, subdivision 3, is amended to read:

Subd. 3. [KILLED IN THE LINE OF DUTY.] "Killed in the line of duty" does not include deaths from natural causes. "*Killed in the line of duty*" includes the death of an officer caused by accidental means while the officer is acting in the course and scope of duties as a public safety officer.

Sec. 2. Minnesota Statutes 1990, section 299A.41, subdivision 4, is amended to read:

Subd. 4. [PUBLIC SAFETY OFFICER.] "Public safety officer" includes:

(1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (f);

(2) a correction officer employed at a correctional facility and charged with maintaining the safety, security, discipline, and custody of inmates at the facility;

(3) a firefighter employed on a full-time basis by the state or by a fire department of a governmental subdivision of the state, who is engaged in the hazards of firefighting;

(4) a legally enrolled member of a volunteer fire department or member of an independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;

(5) a good samaritan while complying with the request or direction of a public safety officer to assist the officer;

(6) a reserve police officer or a reserve deputy sheriff while acting under the supervision and authority of a political subdivision;

(7) a driver or attendant with a licensed basic or advanced life support transportation service who is engaged in providing emergency care; and

(8) a first responder who is certified by the commissioner of health to perform basic emergency skills before the arrival of a licensed ambulance service and who is a member of an organized service recognized by a local political subdivision to respond to medical emergencies to provide initial medical care before the arrival of an ambulance.

Sec. 3. [299A.47] [CLAIMS LIMITATION.]

*Claims for benefits from the public safety officer's death benefit account made by or on behalf of a survivor of a public safety officer must be filed within two years after the date of death of the officer.*

Sec. 4. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment."*

Amend the title as follows:

Page 1, line 4, delete "and data classification"

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

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

H.F. No. 2501 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.
2501	2496				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2501 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2501 and insert the language after the enacting clause of S.F. No. 2496, the first engrossment; further, delete the title of H.F. No. 2501 and insert the title of S.F. No. 2496, the first engrossment.

And when so amended H.F. No. 2501 will be identical to S.F. No. 2496, and further recommends that H.F. No. 2501 be given its second reading and substituted for S.F. No. 2496, 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.

**SECOND READING OF SENATE BILLS**

S.F. No. 850 was read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 57, 2250 and 2501 were read the second time.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Moe, R.D. moved that S.F. No. 2107 be withdrawn from the Committee on Rules and Administration. The motion prevailed.

Mr. Moe, R.D. moved that the report from the Committee on Employment as to S.F. No. 2107, shown in the Journal for March 18, 1992, be adopted, and that S.F. No. 2107 be given its second reading and placed on General Orders. The motion prevailed.

S.F. No. 2107: A bill for an act relating to workers' compensation; providing for comprehensive reform; regulating benefits; providing for medical cost control; requiring improved safety measures; regulating attorneys; providing for more efficient administrative procedures; eliminating the second injury fund; regulating insurance; reforming the assigned risk plan; regulating fraud; imposing penalties; amending Minnesota Statutes 1990, sections 79.251, by adding subdivisions; 79.252, subdivisions 1 and 3; 176.011, subdivisions 3, 11a, and 18; 176.081, subdivisions 1, 2, and 3; 176.101, subdivisions 1, 2, and 3f; 176.102, subdivisions 1, 2, 4, 6, 9, and 11; 176.103, subdivisions 2, 3, and by adding a subdivision; 176.105, subdivision 1; 176.106, subdivision 6; 176.111, subdivision 18; 176.129, subdivision 10; 176.130, subdivisions 8 and 9; 176.135, subdivisions 1, 5, 6, and 7; 176.136, subdivisions 1, 2, and by adding subdivisions; 176.138; 176.139, subdivision 2; 176.155, subdivision 1; 176.181, subdivision 3, and by adding a subdivision; 176.182; 176.183; 176.185, subdivision 5a; 176.194, subdivisions 4 and 5; 176.221, subdivisions 3 and 3a; 176.231, subdivision 10; 176.261; 176.421, subdivision 1; 176.461; 176.645, subdivisions 1 and 2; 176.83, subdivision 5, and by adding a subdivision; 176A.03, by adding a subdivision; 480B.01, subdivisions 1 and 10; 609.52, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 79; and 176; repealing Minnesota Statutes 1990, sections 176.131; 176.135, subdivision 3; and 176.136, subdivision 5.

S.F. No. 2107 was read the second time.

Mr. Moe, R.D. moved that H.F. No. 57, on General Orders, be stricken and laid on the table. The motion prevailed.

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

**CALENDAR**

H.F. No. 2106: A bill for an act relating to financial institutions; currency exchanges; imposing distance limitations and operating restrictions; requiring local approval of licenses; amending Minnesota Statutes 1990, sections 53A.02; 53A.04; and 53A.05.

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.E.	Mehrkens	Reichgott
Beckman	Day	Johnson, D.J.	Metzen	Renneke
Belanger	DeCramer	Johnson, J.B.	Moe, R. D.	Riveness
Benson, D.D.	Dicklich	Johnston	Morse	Sams
Benson, J.E.	Finn	Kelly	Neuville	Samuelson
Berg	Flynn	Knaak	Novak	Solon
Berglin	Frank	Kroening	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	McGowan	Ranum	

So the bill passed and its title was agreed to.

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.

Ms. Ranum moved that H.F. No. 1738, No. 3 on the Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

S.F. No. 2463: A bill for an act relating to insurance; solvency; making various technical corrections; requiring notice; regulating business transacted with a producer controlled insurer; modifying various provisions relating to the guaranty association; amending Minnesota Statutes 1990, sections 60A.03, subdivision 6; 60A.10, subdivision 4; 61B.03, subdivision 5; 61B.06, subdivision 7; and 61B.12, by adding subdivisions; Minnesota Statutes 1991 Supplement, sections 60A.031, subdivision 1; 60A.092, subdivision 3; 60A.11, subdivisions 13 and 20; 60A.112; 60A.12, subdivision 10; 60A.124; 60D.17, subdivision 1; 61A.28, subdivision 1; and 61B.12, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 60C; and 60J; repealing Minnesota Statutes 1991 Supplement, sections 60J.01; 60J.02; 60J.03; 60J.04; 60J.05; and 72A.206.

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

So the bill passed and its title was agreed to.

H.F. No. 1681: A bill for an act relating to commerce; regulating data collection, enforcement powers, premium finance agreements, temporary capital stock of mutual life companies, surplus lines insurance, conversion privileges, coverages, rehabilitations and liquidations, the comprehensive health insurance plan, and claims practices; requiring insurers to notify all covered persons of cancellations of group coverage; regulating continuation privileges and automobile premium surcharges; regulating unfair or deceptive practices; regulating insurance agent licensing and education; carrying out the intent of the legislature to make uniform the statutory service of process provisions under the jurisdiction of the department of commerce; permitting the sale of credit unemployment insurance on the same basis as other credit insurance; requiring consumer disclosures; specifying minimum loss ratios for credit insurance; making various technical changes; amending Minnesota Statutes 1990, sections 45.012; 45.027, by adding subdivisions; 45.028, subdivision 1; 47.016, subdivision 1; 48.185, subdivisions 4 and 7; 56.125, subdivision 3; 56.155, subdivision 1; 59A.08, subdivisions 1 and 4; 59A.11, subdivisions 2 and 3; 59A.12, subdivision 1; 60A.02, subdivision 7, and by adding a subdivision; 60A.03, subdivision 2; 60A.07, subdivision 10; 60A.12, subdivision 4; 60A.17, subdivision 1a; 60A.1701, subdivisions 3 and 7; 60A.19, subdivision 4; 60A.201, subdivision 4; 60A.203; 60A.206, subdivision 3; 60A.21, subdivision 2; 60B.03, by adding a subdivision; 60B.15; 60B.17, subdivision 1; 61A.011, by adding a subdivision; 62A.10, subdivision 1; 62A.146; 62A.17, subdivision 2; 62A.21, subdivisions 2a and 2b; 62A.30, subdivision 1; 62A.41, subdivision 4; 62A.54; 62B.01; 62B.02, by adding a subdivision; 62B.03; 62B.04, subdivision 2; 62B.05; 62B.06, subdivisions 1, 2, and 4; 62B.07, subdivisions 2 and 6; 62B.08, subdivisions 1, 3, and 4; 62B.09, subdivisions 1 and 2; 62B.11; 62C.142, subdivision 2a; 62C.17, subdivision 5; 62D.101, subdivision 2a; 62D.22, subdivision 8; 62E.02, subdivision 23; 62E.11, subdivision 9; 62E.14, by adding a subdivision; 62E.15, subdivision 4, and by adding subdivisions; 62E.16; 62H.01; 64B.33; 64B.35, subdivision 2; 65B.133, subdivision 4; 70A.11, subdivision 1; 71A.02, subdivision 3; 72A.07; 72A.125, subdivision 2; 72A.20, subdivision 27, and by adding a subdivision; 72A.201, subdivision 3; 72A.22, subdivision 5; 72A.37, subdivision 2; 72A.43, subdivision 2; 72B.02, by adding a subdivision; 72B.03, subdivision 2; 72B.04, subdivision 6; 80A.27, subdivisions 7 and 8; 80C.20; 82.31, subdivision 3; 82A.22, subdivisions 1 and 2; 83.39, subdivisions 1 and 2; 270B.07, subdivision 1; and 543.08; Minnesota Statutes 1991 Supplement, sections 45.027, subdivisions 1, 2, 5, 6, and 7; 52.04, subdivision 1; 60A.13, subdivision 3a; 60D.15, subdivision 4; 60D.17, subdivision 4; 62E.10, subdivision 9; 62E.12; 72A.061, subdivision 1; 72A.201, subdivision 8; and 82B.15, subdivision 3; Laws 1991, chapter 233, section 111; proposing coding for new law in Minnesota Statutes, chapters 60A; 62A; 62B; and 62I; proposing coding for new law as Minnesota Statutes, chapter 60K; repealing Minnesota Statutes 1990, sections 60A.05; 60A.051; 60A.17, subdivisions 1, 1a, 1b, 1c, 2c, 2d, 3, 5, 5b, 6, 6b, 6c, 6d, 7a, 8, 8a, 9a, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21; 65B.70; and 72A.13, subdivision 3; Minnesota Statutes 1991 Supplement, section 60A.17, subdivision 1d.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

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

Ms. Flynn, Mr. Luther and Ms. Olson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2750: A bill for an act relating to retirement; St. Paul fire department and police relief associations; increasing service pension amounts; limiting future benefit reductions; amending Laws 1955, chapters 151, section 9, subdivisions 5, as amended, and 6, as amended; and 375, sections 21, as amended, and 22, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2849: A bill for an act relating to state parks; authorizing the commissioner of natural resources to negotiate a special fee structure for the Split Rock Lighthouse state historic site within Split Rock Lighthouse state park; amending Minnesota Statutes 1990, section 85.053, 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnson, J.B.	Metzen	Renneke
Beckman	DeCramer	Johnston	Moe, R.D.	Riveness
Belanger	Dicklich	Kelly	Mondale	Sams
Benson, D.D.	Finn	Knaak	Morse	Samuelson
Benson, J.E.	Flynn	Kroening	Neuville	Solon
Berg	Frank	Laidig	Novak	Spear
Berglin	Frederickson, D.J.	Langseth	Olson	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	

So the bill passed and its title was agreed to.

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.

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	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.	Lessard	Pariseau	Terwilliger
Brataas	Halberg	Marty	Piper	Traub
Chmielewski	Hottinger	McGowan	Pogemiller	Vickerman
Cohen	Hughes	Mehrkens	Price	Waldorf
Dahl	Johnson, D.E.	Merriam	Ranum	

Messrs. Gustafson and Larson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2378: A bill for an act relating to public safety; exempting newly installed automatic fire-safety sprinklers from sales and property taxes; amending Minnesota Statutes 1990, sections 273.11, by adding a subdivision; and 297A.25, 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnson, J.B.	Metzen	Renneke
Beckman	DeCramer	Johnston	Moe, R.D.	Riveness
Belanger	Dicklich	Kelly	Mondale	Sams
Benson, D.D.	Finn	Knaak	Morse	Samuelson
Benson, J.E.	Flynn	Kroening	Neuville	Solon
Berg	Frank	Laidig	Novak	Spear
Berglin	Frederickson, D.J.	Langseth	Olson	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	

So the bill passed and its title was agreed to.

S.F. No. 2792: A bill for an act relating to higher education; making miscellaneous changes to higher education provisions; amending Minnesota Statutes 1990, section 136.60, by adding a subdivision; 136A.1354, subdivision 4; 136A.29, subdivision 9; 169.965, by adding a subdivision; Minnesota Statutes 1991 Supplement, section 136A.101, subdivision 8; 136A.1353, subdivision 4; and Laws 1987, chapter 396, article 12, section 6, subdivision 2; repealing Minnesota Statutes 1991 Supplement, section 135A.50; and Laws 1991, chapter 356, article 3, section 14.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Day	Johnson, J.B.	Metzen	Renneke
Beckman	DeCramer	Johnston	Moe, R.D.	Riveness
Belanger	Dicklich	Kelly	Mondale	Sams
Benson, D.D.	Finn	Knaak	Morse	Samuelson
Benson, J.E.	Flynn	Kroening	Neuville	Solon
Berg	Frank	Laidig	Novak	Spear
Berglin	Frederickson, D.J.	Langseth	Olson	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	

So the bill passed and its title was agreed to.

S.F. No. 695: A bill for an act relating to transportation; making technical and clarifying changes; defining terms; providing for maximum weight per

inch of tire width; modifying axle weight limitations; allowing commissioner of transportation to adopt rules assessing administrative penalties for violations of special transportation service standards; providing for regulation of motor vehicles having a gross vehicle weight of 10,000 pounds or more and operated by motor carriers; requiring certain carriers to comply with rules on driver qualifications and maximum hours of service after August 1, 1994; applying federal regulations on drug testing to intrastate motor carriers; regulating transportation of hazardous materials, substances, and waste; specifying identification information required on power units; authorizing small fee for motor carrier identification stamps; regulating building movers; authorizing release of criminal history data for purposes of special transportation license endorsements; amending Minnesota Statutes 1990, sections 169.825, subdivisions 11 and 14; 174.30, subdivision 2; 221.011, subdivisions 20, 21, 25, and by adding a subdivision; 221.021; 221.031, subdivisions 1, 2, 2a, 3, 3a, 6, and by adding subdivisions; 221.033, subdivisions 1, 2, and by adding subdivisions; 221.034, subdivisions 1 and 3; 221.035, subdivisions 1, 2, and by adding a subdivision; 221.121, subdivisions 1 and 7; 221.131, subdivisions 1, 2, and 6; 221.161, subdivision 1; 221.60, subdivision 2; 221.605, subdivision 1; and 221.81, subdivisions 2, 4, and by adding subdivisions; Minnesota Statutes 1991 Supplement, sections 169.781, subdivisions 1 and 5; 169.825, subdivisions 8 and 10; 169.86, subdivision 5; 221.025; and 364.09; proposing coding for new law in Minnesota Statutes, chapter 221.

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 1, as follows:

Those who voted in the affirmative were:

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

Mr. McGowan voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2232: A bill for an act relating to courts; requiring the state to reimburse counties for certain extradition expenses from any forfeited bail of the defendant or probationer that had been forwarded to the state treasury as required by law; amending Minnesota Statutes 1990, section 485.018, 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnson, J.B.	Metzen	Renneke
Beckman	DeCramer	Johnston	Moe, R.D.	Riveness
Belanger	Dicklich	Kelly	Mondale	Sams
Benson, D.D.	Finn	Knaak	Morse	Samuelson
Benson, J.E.	Flynn	Kroening	Neuville	Solon
Berg	Frank	Laidig	Novak	Spear
Berglin	Frederickson, D.J.	Langseth	Olson	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	

So the bill passed and its title was agreed to.

S.F. No. 2103: A bill for an act relating to drivers' licenses; increasing fees; requiring more secure cards; amending Minnesota Statutes 1990, section 171.06, 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 46 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kelly	Merriam	Reichgott
Beckman	DeCramer	Knaak	Moe, R.D.	Spear
Belanger	Flynn	Kroening	Morse	Stumpf
Benson, D.D.	Frederickson, D.J.	Laidig	Neuville	Traub
Benson, J.E.	Frederickson, D.R.	Langseth	Olson	Vickerman
Berg	Gustafson	Larson	Pappas	Waldorf
Bernhagen	Hottinger	Luther	Pariseau	
Brataas	Hughes	Marty	Piper	
Dahl	Johnson, D.E.	McGowan	Price	
Davis	Johnson, D.J.	Mehrkens	Ranum	

Those who voted in the negative were:

Berglin	Dicklich	Johnson, J.B.	Mondale	Sams
Bertram	Finn	Johnston	Novak	Samuelson
Chmielewski	Frank	Lessard	Renneke	Solon
Cohen	Halberg	Metzen	Riveness	Terwilliger

So the bill passed and its title was agreed to.

H.F. No. 765: A bill for an act relating to certain state employees; establishing eligibility for state-paid insurance after retirement in certain circumstances.

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	DeCramer	Johnston	Moe, R.D.	Riveness
Beckman	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	
Day	Johnson, J.B.	Metzen	Renneke	

So the bill passed and its title was agreed to.

H.F. No. 31: A bill for an act relating to public safety; creating the Minnesota advisory council on fire protection systems; requiring licensing and certifying of the fire protection industry; providing for rules and an exemption; providing for fees; imposing a penalty; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 299M.

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

Mr. Halberg voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2781: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Day	Johnson, J.B.	Metzen	Renneke
Beckman	DeCramer	Johnston	Moe, R.D.	Riveness
Belanger	Dicklich	Kelly	Mondale	Sams
Benson, D.D.	Finn	Knaak	Morse	Samuelson
Benson, J.E.	Flynn	Kroening	Neuville	Solon
Berg	Frank	Laidig	Novak	Spear
Berglin	Frederickson, D.J.	Langseth	Olson	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	

So the bill passed and its title was agreed to.

S.F. No. 2655: A bill for an act relating to agriculture; making certain political subdivisions of the state eligible for reimbursement from the agricultural chemical response and reimbursement account; amending Minnesota Statutes 1990, section 18E.02, 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 2, as follows:

Those who voted in the affirmative were:

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

Mr. Berg and Mrs. Pariseau voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2012: A bill for an act relating to crimes; enforcing mandatory insurance requirement for vehicles; providing for penalties; providing for loss of driver's license and motor vehicle registration; appropriating money; amending Minnesota Statutes 1990, sections 169.791; 169.792; 169.793; 169.796; and 171.19; Minnesota Statutes 1991 Supplement, sections 168.041, subdivision 4; 169.795; 171.29, subdivision 1; and 171.30, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1990, section 169.792, subdivision 9; and Minnesota Statutes 1991 Supplement, section 168.041, subdivision 1a.

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 61 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Berg and Finn voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2662: A bill for an act relating to commerce; regulating the real estate, education, research, and recovery fund; amending Minnesota Statutes 1990, sections 82.19, by adding a subdivision; and 82.34, subdivisions 3, 4, 7, 9, 11, 13, and 14; proposing coding for new law in Minnesota Statutes, chapter 80A; repealing Minnesota Statutes 1990, section 82.34, subdivision 20.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson, J.E.	Gustafson	Larson	Olson	Renneke
Day	Johnston	Mehrkens		

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that H.F. No. 57 be taken from the table. The motion prevailed.

H.F. No. 57: A bill for an act relating to taxation; property; making technical corrections to, and clarifications to, the calculation of certain special levies, the calculation of the levy limit base, the calculation of the amount of market value reductions in certain property tax discrimination actions, certain special levy referendum provisions, and to the effective dates of certain aid reductions; amending Minnesota Statutes 1990, sections 275.50, subdivision 5; 275.51, subdivision 3f; and 278.05, subdivision 4;

Laws 1990, chapter 604, article 3, sections 49, subdivision 3; 50, subdivision 3; 51, subdivision 3; 59, subdivision 2; and 61, subdivision 2; and article 4, section 22.

### SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 57 and that the rules of the Senate be so far suspended as to give H.F. No. 57, its third reading and place it on its final passage. The motion prevailed.

Mr. Johnson, D.J. moved to amend H.F. No. 57, the unofficial engrossment, as follows:

Page 21, line 19, delete "\$7,000,000" and insert "\$10,850,000"

Page 21, line 35, delete "\$4,925,000" and insert "\$4,675,000"

The motion prevailed. So the amendment was adopted.

### CALL OF THE SENATE

Mr. Johnson, D.J. imposed a call of the Senate for the balance of the proceedings on H.F. No. 57. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 57 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 40 and nays 26, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kelly	Morse	Riveness
Beckman	Flynn	Kroening	Novak	Sams
Berglin	Frank	Lessard	Pappas	Samuelson
Bertram	Frederickson, D.J.	Luther	Piper	Solon
Chmielewski	Hottinger	Marty	Pogemiller	Spear
Cohen	Hughes	Metzen	Price	Stumpf
DeCramer	Johnson, D.J.	Moe, R.D.	Ranum	Vickerman
Dicklich	Johnson, J.B.	Mondale	Reichgott	Waldorf

Those who voted in the negative were:

Belanger	Davis	Johnston	Mehrkens	Terwilliger
Benson, D.D.	Day	Knaak	Merriam	Traub
Benson, J.E.	Frederickson, D.R.	Laidig	Neuville	
Berg	Gustafson	Langseth	Olson	
Bernhagen	Halberg	Larson	Pariseau	
Brataas	Johnson, D.E.	McGowan	Renneke	

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Dicklich moved that the following members be excused for a Conference Committee on H.F. No. 2121 at 3:45 p.m.:

Messrs. Dahl, DeCramer, Dicklich, Laidig and Ms. Pappas. The motion prevailed.

**CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 21, Mr. Merriam moved that the following members be excused for a Conference Committee on H.F. No. 1903 at 3:45 p.m.:

Messrs. Merriam; Morse; Johnson, D.E.; Stumpf and Vickerman. The motion prevailed.

**RECESS**

Mr. Moe, R.D. 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:

S.F. No. 1938: Ms. Pappas, Messrs. Kelly and Knaak.

H.F. No. 2800: Ms. Berglin, Mr. Benson, D.D.; Ms. Piper, Messrs. Knaak and Hottinger.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1948, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1948 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 13, 1992

**CONFERENCE COMMITTEE REPORT ON 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.

April 10, 1992

The Honorable Dee Long  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 1948, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1948 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [61A.073] [LIFE INSURANCE FOR THE BENEFIT OF CHARITY.]

*Subdivision 1. [CHARITABLE BENEFICIARY OR OWNER PERMITTED.] Subject to the terms of the policy, an organization described in section 170(c) of the Internal Revenue Code of 1986, as amended through December 31, 1991, shall have an insurable interest in the life of an individual insured under a life insurance policy, if the organization:*

*(1) has become the beneficiary or owner of a previously issued policy insuring the life of the individual; or*

*(2) is the original beneficiary or original owner of a newly issued policy insuring the life of the individual, if the individual signs the application or consents in writing to the issuance of the policy.*

*Subd. 2. [APPLICABILITY.] This section applies to life insurance policies issued by life companies and fraternal benefit societies.*

Sec. 2. [61A.074] [INSURABLE INTERESTS.]

*Subdivision 1. [CORPORATION OR TRUSTEE.] A corporation or the trustee of a trust providing life, health, disability, retirement, or similar benefits to employees of one or more corporations, and acting in a fiduciary capacity with respect to the employees, retired employees, or their dependents or beneficiaries, has an insurable interest in the lives of employees for whom the benefits are to be provided. The written consent of the insured is required if the insurance purchased under this subdivision is payable to the corporation or to the trustee.*

*Subd. 2. [OTHER INSURABLE INTERESTS.] Subdivision 1 does not limit the right of a corporation or trustee to insure the life of an individual that is otherwise insurable under common law or any statute. This section shall not be interpreted as in any way modifying the common law doctrine of insurable interest, except as expressly provided in subdivision 1.*

Sec. 3. [309.72] [ACQUISITION OF INTERESTS IN INSURANCE.]

*An organization described in section 170(c) of the Internal Revenue Code of 1986, as amended through December 31, 1991, may purchase, accept, or otherwise acquire an interest in a life insurance policy as beneficiary or owner, as provided in section 61A.073.*

Sec. 4. [EFFECTIVE DATE.]

*Sections 1 and 3 are effective the day following final enactment and are intended to clarify and confirm the effect and intent of prior law. Section 2 is effective the day following final enactment.”*

Delete the title and insert:

“A bill for an act relating to life insurance; authorizing policies for the benefit of a charity; authorizing policies for the benefit of a corporation or a trustee; proposing coding for new law in Minnesota Statutes, chapters 61A: and 309.”

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Phil Carruthers, Wes Skoglund, Terry M. Dempsey

Senate Conferees: (Signed) James P. Metzen, Sam G. Solon, Cal Larson

Mr. Metzen moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1948 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1948 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 49 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Hottinger	Larson	Pogemiller
Beckman	Cohen	Hughes	Lessard	Price
Belanger	Davis	Johnson, D.E.	Luther	Reichgott
Benson, D.D.	Day	Johnson, D.J.	Mehrkens	Renneke
Benson, J.E.	Finn	Johnson, J.B.	Metzen	Riveness
Berg	Flynn	Johnston	Moe, R.D.	Sams
Berglin	Frederickson, D.J.	Knaak	Mondale	Terwilliger
Bernhagen	Frederickson, D.R.	Kroening	Novak	Traub
Bertram	Gustafson	Laidig	Pariseau	Waldorf
Brataas	Halberg	Langseth	Piper	

So the bill, as amended by the Conference Committee, 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. 2194: A bill for an act relating to governmental operations; authorizing two additional deputies in the state auditor's office; setting conditions for certain state laws; regulating payments; fixing local accounting procedures; prohibiting the use of pictures of elected officials for certain local government purposes; providing for investments and uses of public facilities; requiring that airline travel credit accrue to the issuing body; amending Minnesota Statutes 1990, sections 6.02; 11A.24, subdivision 6; 13.76, by adding a subdivision; 15A.082, by adding a subdivision; 367.36, subdivision 1; 412.222; 471.49, by adding a subdivision; 471.66; 471.68, by adding a subdivision; 471.696; 471.697; 477A.017, subdivision 2; and 609.415, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 279; and 609; repealing Minnesota Statutes 1991 Supplement, section 128B.10, subdivision 2.

Senate File No. 2194 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1992

Ms. Reichgott moved that the Senate do not concur in the amendments by the House to S.F. No. 2194, 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.

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2728 and the Conference Committee Report thereon were reported to the Senate.

#### CONFERENCE COMMITTEE REPORT ON S.F. NO. 2728

A bill for an act relating to agriculture; establishing a state over-order premium milk price for dairy farmers for certain milk; proposing coding for new law in Minnesota Statutes, chapter 32A.

April 10, 1992

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable Dee Long  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2728, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 2728 be further amended as follows:

Page 1, line 23, after "*adopt*" insert "*emergency and permanent*"

Page 2, line 7, after the period, insert "*The report must also include a summary of processor and distributor information the commissioner has analyzed to determine compliance with sections 32A.01 to 32A.09.*"

Page 2, line 11, delete "*June 1, 1992*" and insert "*the day following final enactment*"

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Dallas C. Sams, Gene Waldorf, Earl W. Renneke

House Conferees: (Signed) Stephen G. Wenzel, Jerry J. Bauerly, Bernie P. Omann

Mr. Sams moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2728 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2728 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 43 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Hughes	Metzen	Reichgott
Beckman	Davis	Johnson, J.B.	Moe, R.D.	Renneke
Belanger	Day	Johnston	Mondale	Riveness
Benson, D.D.	Finn	Kroening	Novak	Sams
Benson, J.E.	Frederickson, D.J.	Langseth	Olson	Solon
Berg	Frederickson, D.R.	Larson	Pariseau	Traub
Bernhagen	Gustafson	Lessard	Piper	Waldorf
Bertram	Halberg	Luther	Pogemiller	
Chmielewski	Hottinger	Mehrkens	Price	

Ms. Berglin, Mrs. Brataas, Ms. Flynn and Mr. Knaak voted in the negative.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2430 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 2430

A bill for an act relating to the environment; adding sanctions and procedures relating to petroleum tank release consultants and contractors; amending Minnesota Statutes 1990, sections 115C.02, by adding subdivisions; 115C.03, by adding a subdivision; 116.48, by adding a subdivision; Minnesota Statutes 1991 Supplement, section 115C.09, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 115C.

April 12, 1992

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable Dee Long  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2430, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 2430 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 115C.01, is amended to read:

115C.01 [CITATION.]

~~Sections 115C.01 to 115C.10~~ *This chapter may be cited as the “petroleum tank release cleanup act.”*

Sec. 2. Minnesota Statutes 1990, section 115C.02, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to ~~sections 115C.02 to 115C.10~~ *this chapter.*

Sec. 3. Minnesota Statutes 1990, section 115C.02, is amended by adding a subdivision to read:

*Subd. 5a. [CONSULTANT.] “Consultant” means an individual, partnership, association, private corporation, or any other legal entity that*

*provides consulting services. Consulting services include the rendering of professional opinion, advice, or analysis regarding a release.*

Sec. 4. Minnesota Statutes 1990, section 115C.02, is amended by adding a subdivision to read:

*Subd. 5b. [CONTRACTOR.] "Contractor" means an individual, partnership, association, private corporation, or any other legal entity that provides contractor services. Contractor services means products and services within a scope of work that can be defined by typical written plans and specifications including, but not limited to, excavation, treatment of contaminated soil and groundwater, soil borings and well installations, laboratory analysis, surveying, electrical work, plumbing, carpentry, and equipment.*

Sec. 5. Minnesota Statutes 1990, section 115C.03, is amended by adding a subdivision to read:

*Subd. 10. [RETENTION OF RECORDS.] A person who applies for reimbursement under this chapter and a contractor or consultant who has billed the applicant for services that are part of the claim for reimbursement must maintain all records related to the claim for reimbursement for a minimum of five years from the date the claim for reimbursement is submitted to the board.*

Sec. 6. [115C.045] [KICKBACKS.]

*A consultant or contractor, as a condition of performing services, may not agree to pay or forgive the nonreimbursable portion of an application for reimbursement submitted under this chapter. An applicant may not accept forgiveness or demand payment from a consultant or contractor for the nonreimbursable portion of an application for reimbursement submitted under this chapter.*

Sec. 7. [115C.065] [CONSULTANT'S OR CONTRACTOR'S DUTY TO NOTIFY.]

*A consultant or contractor involved in the removal of a petroleum tank shall immediately notify the agency if field instruments or laboratory tests indicate the presence of any petroleum contamination in excess of state guidelines.*

Sec. 8. Minnesota Statutes 1991 Supplement, section 115C.09, subdivision 5, is amended to read:

Subd. 5. [RETURN OF REIMBURSEMENT.] (a) The board may demand the complete or partial return of any reimbursement made under this section if the applicant for reimbursement:

(1) misrepresents or omits a fact relevant to a determination made by the board or the commissioner under this section;

(2) fails to complete corrective action that the commissioner determined at the time of the reimbursement to be necessary to adequately address the release, unless the reimbursement was made under subdivision 3a; ~~or~~

(3) fails to reimburse a person for agreed-to amounts for corrective actions taken in response to a request by the applicant; *or*

(4) *has entered an agreement to settle or compromise any portion of the incurred costs, in which case the amount returned must be prorated in proportion to the amount of the settlement or compromise.*

(b) If a reimbursement under this subdivision is not returned upon demand by the board, the board may recover the reimbursement, with administrative and legal expenses, in a civil action in district court brought by the attorney general against the applicant. If the board's demand for return of the reimbursement is based on willful actions of the applicant, the applicant shall also forfeit and pay to the state a civil penalty, in an amount to be determined by the court, of not more than the full amount of the reimbursement.

Sec. 9. Minnesota Statutes 1991 Supplement, section 115C.09, subdivision 7, is amended to read:

Subd. 7. [DUTY TO PROVIDE INFORMATION.] (a) A person who submits an application to the board for reimbursement, or who has issued invoices or other demands for payment which are the basis of an application, shall furnish to the board copies of any financial records which the board requests and which are relevant to determining the validity of the costs listed in the application, or shall make the financial records reasonably available to the board for inspection and auditing. *The board may obtain access to information required to be made available under this subdivision in the manner provided in section 115C.03, subdivision 7.*

*(b) After reimbursement has been granted, an agreement to settle or compromise any portion of the incurred costs must be reported to the board by the parties to the agreement.*

Sec. 10. [115C.11] [CONSULTANTS AND CONTRACTORS; SANCTIONS.]

*Subdivision 1. [REGISTRATION.] (a) All consultants and contractors must register with the board in order to participate in the petroleum tank release cleanup program.*

*(b) The board must maintain a list of all registered consultants and a list of all registered contractors including an identification of the services offered.*

*(c) An applicant who applies for reimbursement must use a registered consultant and contractor in order to be eligible for reimbursement.*

*(d) The commissioner must inform any person who notifies the agency of a release under section 115.061 that the person must use a registered consultant or contractor to qualify for reimbursement and that a list of registered consultants and contractors is available from the board.*

*(e) Work performed by an unregistered consultant or contractor is ineligible for reimbursement.*

*(f) Work performed by a consultant or contractor prior to being removed from the registration list may be reimbursed by the board.*

Subd. 2. [DISQUALIFICATION.] (a) *The board must automatically remove from the registration list for five years a consultant or contractor who is convicted in a criminal proceeding for submitting false or fraudulent bills that are part of a claim for reimbursement under section 115C.09. The board may, in addition, impose one or more of the sanctions in paragraph (c).*

*(b) The board may impose sanctions under paragraph (c) on a consultant or contractor for any of the following reasons:*

*(1) engaging in conduct that departs from or fails to conform to the*

*minimal standards of acceptable and prevailing engineering, hydrogeological, or other technical practices within the reasonable control of the consultant or contractor;*

*(2) participating in a kickback scheme prohibited under section 115C.045;*

*(3) engaging in conduct likely to deceive or defraud, or demonstrating a willful or careless disregard for public health or the environment;*

*(4) commission of fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or*

*(5) revocation, suspension, restriction, limitation, or other disciplinary action against the contractor's or consultant's license or certification in another state or jurisdiction.*

*(c) The board may impose one or more of the following sanctions:*

*(1) remove a consultant or contractor from the registration list for up to five years;*

*(2) publicly reprimand or censure the consultant or contractor;*

*(3) place the consultant or contractor on probation for a period and upon terms and conditions the board prescribes;*

*(4) require payment of all costs of proceedings resulting in an action instituted under this paragraph; or*

*(5) impose a civil penalty of not more than \$10,000, in an amount that the board determines will deprive the consultant or contractor of any economic advantage gained by reason of the consultant's or contractor's conduct or to reimburse the board for the cost of the investigation and proceeding.*

*(d) In deciding whether a particular sanction is appropriate, the board must consider the seriousness of the consultant's or contractor's acts or omissions and any mitigating factors.*

*(e) Civil penalties recovered by the state under this section must be credited to the account.*

*Subd. 3. [NOTICE OF SANCTION.] The board must notify a consultant or contractor of a proposed sanction at least 30 days before the board meeting at which the proposed sanction will be considered. The notice must advise the consultant or contractor of:*

*(1) the fact that sanctions are being considered;*

*(2) the reasons for the proposed sanctions in terms sufficient to put the consultant or contractor on notice of the conduct on which the proposed sanctions are based;*

*(3) the reasons relied on under subdivision 2 for the proposed sanctions;*

*(4) the right to request a contested case hearing under chapter 14; and*

*(5) the potential effect of sanctions.*

*Subd. 4. [SANCTION ORDER.] The board may impose sanctions after a hearing before the board if a contested case hearing has not been requested. The board's sanction order is final. The sanctions are effective 30 days after the board issues its order.*

Sec. 11. Minnesota Statutes 1990, section 116.48, is amended by adding a subdivision to read:

*Subd. 8. [NOTICE OF TANK INSTALLATION OR REMOVAL.] Before beginning installation or removal of an underground tank system, owners and operators must notify the commissioner. Notification must be in writing or by telephone at least ten days before the tank installation or removal. Owners and operators must renotify the commissioner if the date of the tank installation or removal changes by more than 48 hours. The notification must include the following information:*

- (1) the name, address, and telephone number of the site owner;*
- (2) the location of the site, if different from clause (1);*
- (3) the date of the tank installation or removal; and*
- (4) the name of the contractor or company that will install or remove the tank.*

Sec. 12. [REPORT TO LEGISLATURE.]

*The commissioners of the pollution control agency and commerce shall jointly prepare a report that:*

- (1) describes the corrective action costs for which reimbursement has been paid under Minnesota Statutes, section 115C.09; and*
- (2) lists reasonable charges for corrective action services, including consulting, contracting, and disposal services.*

*The report must be submitted by January 15, 1993, to the appropriate committees of the legislature."*

Delete the title and insert:

"A bill for an act relating to the environment; adding sanctions and procedures relating to petroleum tank release consultants and contractors; requiring a report to the legislature; amending Minnesota Statutes 1990, sections 115C.01; 115C.02, subdivision 1, and by adding subdivisions; 115C.03, by adding a subdivision; 116.48, by adding a subdivision; Minnesota Statutes 1991 Supplement, section 115C.09, subdivisions 5 and 7; proposing coding for new law in Minnesota Statutes, chapter 115C."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Dallas C. Sams, Harold "Skip" R. Finn, Steven G. Novak

House Conferees: (Signed) Rick Krueger, Anthony G. Kinkel, Dick Pellow

Mr. Sams moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2430 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2430 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 47 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Hottinger	Mehrkens	Renneke
Beckman	Cohen	Hughes	Metzen	Riveness
Belanger	Davis	Johnson, J.B.	Moe, R.D.	Sams
Benson, D.D.	Day	Johnston	Mondale	Solon
Benson, J.E.	Finn	Knaak	Novak	Terwilliger
Berg	Flynn	Kroening	Olson	Traub
Berglin	Frank	Langseth	Pariseau	Waldorf
Bernhagen	Frederickson, D.J.	Larson	Piper	
Bertram	Gustafson	Lessard	Pogemiller	
Brataas	Halberg	Luther	Price	

Mr. Frederickson, D.R. voted in the negative.

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

Without objection, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Spear introduced—

S.F. No. 2795: A bill for an act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors of a noncontroversial nature; amending Minnesota Statutes 1991 Supplement, section 302A.402, subdivision 3.

Referred to the Committee on Judiciary.

Mr. Lessard introduced—

S.F. No. 2796: A resolution memorializing the President and Congress to continue management of Voyageurs National Park as a wilderness area.

Referred to the Committee on Environment and Natural Resources.

Mr. DeCramer introduced—

S.F. No. 2797: A bill for an act relating to drainage; defining as "repair" certain incidental straightening of tiles and use of larger tile sizes under certain circumstances; amending Minnesota Statutes 1990, section 103E.701, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Messrs. Hughes, Dahl, Dicklich, Ms. Reichgott and Mr. Mehrkens introduced—

S.F. No. 2798: A bill for an act relating to education; creating the Minnesota education finance act of 1992; proposing coding for new law in Minnesota Statutes, chapter 124A.

Referred to the Committee on Education.

Messrs. Solon; Metzen; Johnson, D.J.; Kroening and Bertram introduced—

S.F. No. 2799: A resolution memorializing the President, the Department of Defense, and the Congress of the United States to reconsider making any further cuts to the National Guard and to insure that the Army National Guard's end strength is reduced no lower than 425,450 persons.

Referred to the Committee on Veterans and General Legislation.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Executive and Official Communications.

### **EXECUTIVE AND OFFICIAL COMMUNICATIONS**

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

April 10, 1992

The Honorable Jerome Hughes  
President of the Senate

Dear Senator Hughes:

The following appointment was made by the Metropolitan Council on October 17, 1991 and is hereby respectfully submitted to the Senate for confirmation as required by law:

#### **REGIONAL TRANSIT BOARD**

Ms. Ruby Hunt, 1148 Edgcumbe Road, St. Paul, Ramsey County, Minnesota, for a term expiring on the first Monday in January, 1993.

(Referred to the Committee on Metropolitan Affairs.)

Sincerely,  
Mary E. Anderson, Chair

### **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. Chmielewski in the chair.

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

S.F. No. 1615 and H.F. No. 699, which the committee recommends to pass.

H.F. No. 2884, which the committee recommends to pass with the following amendment offered by Mr. Pogemiller:

Amend H.F. No. 2884, as amended pursuant to Rule 49, adopted by the Senate April 10, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 2648.)

Page 15, after line 12, insert:

“Sec. 13. Minnesota Statutes 1991 Supplement, section 474A.047, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY.] An issuer may only use the proceeds from residential rental bonds if the proposed project meets one of the following:

(a) The proposed project is a single room occupancy project and all the units of the project will be occupied by individuals whose incomes at the time of their initial residency in the project are 50 percent or less of the greater of the statewide or county median income adjusted for household size as determined by the federal Department of Housing and Urban Development; or

(b) The proposed project is a multifamily project where at least 75 percent of the units have two or more bedrooms and ~~(4)~~ at least one-third of the 75 percent have three or more bedrooms; or ~~(2)~~

(c) The proposed project *is a multifamily project that* meets the following requirements:

(i) the proposed project is the rehabilitation of an existing multifamily building which meets the requirements for minimum rehabilitation expenditures in section 42(e)(2) of the Internal Revenue Code;

(ii) the developer of the proposed project includes a managing general partner which is a nonprofit organization under chapter 317A and meets the requirements for a qualified nonprofit organization in section 42(h)(5) of the Internal Revenue Code; and

(iii) the proposed project involves participation by a local unit of government in the financing of the acquisition or rehabilitation of the project. At least 75 percent of the units of the multifamily project must be occupied by individuals or families whose incomes at the time of their initial residency in the project are 60 percent or less of the greater of the: (1) statewide median income or (2) county or metropolitan statistical area median income, adjusted for household size as determined by the federal Department of Housing and Urban Development.

The maximum rent for a proposed single room occupancy unit under paragraph (a) is 30 percent of the amount equal to 30 percent of the greater of the statewide or county median income for a one-member household as determined by the federal Department of Housing and Urban Development. The maximum rent for at least 75 percent of the units of a multifamily project under paragraph (b) is 30 percent of the amount equal to 50 percent of the greater of the statewide or county median income as determined by the federal Department of Housing and Urban Development based on a household size with one person per bedroom.”

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1980, which the committee recommends to pass with the following amendments offered by Messrs. Solon and Luther:

Mr. Solon moved to amend H.F. No. 1980, as amended pursuant to Rule 49, adopted by the Senate April 2, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1922.)

Page 4, lines 13 and 14, strike "reviewed as provided in subdivision 1" and insert "*appealed as provided in chapter 14*"

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend H.F. No. 1980, as amended pursuant to Rule 49, adopted by the Senate April 2, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1922.)

Page 1, after line 12, insert:

"Section 1. Minnesota Statutes 1990, section 61A.011, is amended by adding a subdivision to read:

*Subd. 7. [ACCIDENTAL DEATH BENEFITS.] Notwithstanding any other law to the contrary, payments of accidental death benefits under an individual or group policy, whether payable in connection with a separate policy issued solely to provide that type of coverage or otherwise, are subject to this section. If the applicable rate of interest cannot be determined as provided in this section, the rate of interest for purposes of subdivision 1 is the rate provided in section 549.09, subdivision 1, paragraph (c)."*

Page 9, after line 16, insert:

"Sec. 19. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment for accidental death benefits payable on deaths that occur on or after that date."*

Re-number the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "clarifying interest on accidental death benefits:"

Page 1, line 4, after "sections" insert "61A.011, by adding a subdivision:"

The motion prevailed. So the amendment was adopted.

H.F. No. 2586, which the committee recommends to pass with the following amendment offered by Mr. Cohen:

Page 2, line 10, delete "and"

Page 2, line 11, delete the period and insert " : and

*(5) river front enhancement for cultural, historical, and economic development purposes."*

Page 2, line 12, after "members" insert "who are residents of or have their principal place of business located within the city of Saint Paul and are"

Page 2, lines 14 and 17, delete "one member" and insert "three members"

Page 2, lines 23 and 24, delete “, who shall be the commission’s chair”

Page 2, line 29, delete “eight” and insert “four”

Page 2, lines 30 to 32, delete “, who are residents of or have their principal place of business located within the city of Saint Paul”

Page 3, line 5, before “Members” insert “The commission shall select a chair from among its members.”

The motion prevailed. So the amendment was adopted.

S.F. No. 2432, which the committee recommends to pass with the following amendment offered by Mr. Waldorf:

Page 3, line 11, delete “or any” and insert a period

Page 3, delete lines 12 to 14

The motion prevailed. So the amendment was adopted.

H.F. No. 2115, which the committee recommends to pass with the following amendment offered by Mr. Bertram:

Amend H.F. No. 2115, as amended pursuant to Rule 49, adopted by the Senate March 26, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 2461.)

Delete everything after the enacting clause and insert:

“Section 1. [ST. LOUIS COUNTY; PARTITION FENCE CONTROVERSIES.]

*Notwithstanding Minnesota Statutes, chapter 344, when an owner or occupant of land in St. Louis county applies to the fence viewers for settlement of a partition fence controversy under Minnesota Statutes, chapter 344, the fence viewers shall not require an owner or occupant who can establish to the fence viewers that he or she has no need for a fence to pay any share of the cost of construction or maintenance of the fence. If an owner or occupant is exempt from payment of any of the costs of a partition fence because the owner or occupant does not need the fence, but that owner’s or occupant’s circumstances change to include the need for a partition fence within seven years of completion of the partition fence, either owner or occupant may request the fence viewers to perform a reevaluation and reassignment of shares of the cost of construction and maintenance in accordance with Minnesota Statutes, section 344.06. If the landowners or occupants disagree about the need for a fence, it is a controversy under that section. A decision by the fence viewers of a controversy relating to a partition fence may include an assignment of shares of the cost of construction, repair, or maintenance of a partition fence in accordance with the need and benefit of each party. Except as provided in this section, all other controversies relating to partition fences shall conform to Minnesota Statutes, chapter 344.*

Sec. 2. [LOCAL APPROVAL.]

*This act is effective the day after the St. Louis county board complies with Minnesota Statutes, section 645.021, subdivision 3.”*

Delete the title and insert:

“A bill for an act relating to St. Louis county; providing for partition

fence disputes to include certain findings relating to the benefit and need of the parties: providing for the apportionment of the costs of the partition fence.”

The motion prevailed. So the amendment was adopted.

H.F. No. 2750, which the committee recommends to pass with the following amendment offered by Ms. Reichgott:

Amend H.F. No. 2750, as amended pursuant to Rule 49, adopted by the Senate April 2, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 2468.)

Page 5, line 33, after “and” insert “*information may be released for purposes mandated by local, state, or federal law; provided that*”

The motion prevailed. So the amendment was adopted.

H.F. No. 1957, which the committee recommends to pass with the following amendment offered by Mr. Neville:

Amend H.F. No. 1957, the unofficial engrossment, as follows:

Page 1, after line 17, insert:

“Sec. 2. Minnesota Statutes 1990, section 163.07, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT.] The county board of each county shall appoint and employ, as hereinafter provided, a county highway engineer who shall ~~may~~ have charge of the highway work of the county and the forces employed thereon, and who shall make and prepare all surveys, estimates, plans, and specifications which are required of the engineer. The county highway engineer may be removed by the county board during the term of office for which appointed only for incompetency or misconduct shown after a hearing upon due notice and upon stated charges. The burden of proving incompetency or misconduct shall rest upon the party alleging the same.”

Page 2, line 18, delete “2” and insert “3”

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 2, delete “elected officials” and insert “local government; clarifying the duties of the county highway engineer”

Page 1, line 5, delete “section” and insert “sections”

Page 1, line 6, before “and” insert “163.07, subdivision 1;”

The motion prevailed. So the amendment was adopted.

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

### MEMBERS EXCUSED

Ms. Olson was excused from the Session of today from 12:00 noon to 2:30 p.m. and from 4:45 to 5:30 p.m. Mr. Novak was excused from the Session of today from 12:00 noon to 2:15 p.m. Mr. Hottinger was excused from the Session of today from 12:30 to 1:30 p.m. Ms. Berglin was excused

from the Session of today from 1:30 to 3:15 p.m. Ms. Pappas was excused from the Session of today from 1:30 to 2:30 p.m. Mr. Mondale was excused from the Session of today from 3:00 to 3:30 p.m.

### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Tuesday, April 14, 1992. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate