

THIRTY-FIFTH DAY

St. Paul, Minnesota, Wednesday, April 14, 1993

The Senate met at 11:45 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by Senator Pat Piper.

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

Adkins	Day	Krentz	Murphy	Robertson
Anderson	Dille	Laidig	Neuville	Runbeck
Beckman	Finn	Larson	Novak	Sams
Belanger	Flynn	Lesewski	Oliver	Samuelson
Benson, D.D.	Frederickson	Lessard	Olson	Solon
Benson, J.E.	Hottinger	Luther	Pappas	Spear
Berg	Johnson, D.E.	Marty	Pariseau	Stevens
Berglin	Johnson, D.J.	McGowan	Piper	Stumpf
Bertram	Johnson, J.B.	Merriam	Pogemiller	Terwilliger
Betzold	Johnson	Metzen	Price	Vickerman
Chandler	Kelly	Moe, R.D.	Ranum	Wiener
Chmielewski	Kiscaden	Mondale	Reichgott	
Cohen	Knutson	Morse	Riveness	

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 12, 1993

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1993 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1993	Date Filed 1993
	203	21	10:27 a.m. April 12	April 12

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 186, 789 and 903.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 12, 1993

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 198 and 605.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1993

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 281, 1408, 1474, 259, 785, 807, 893, 554, 643, 951, 964, 1182 and 1228.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 12, 1993

FIRST READING OF HOUSE BILLS

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

H.F. No. 281: A bill for an act relating to agriculture; board of animal health; regulating the imposition and collection of civil penalties; amending Minnesota Statutes 1992, section 35.95, subdivisions 1 and 5.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 1408: A bill for an act relating to agriculture; redefining terms in the plant pest act; exempting certain nonprofit organizations from the requirement for a nursery stock dealer certificate; amending Minnesota Statutes 1992, section 18.46, subdivision 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 18.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 813, now on General Orders.

H.F. No. 1474: A bill for an act relating to county records; providing for the use of certain fees; amending Minnesota Statutes 1992, section 357.18, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1124, now on General Orders.

H.F. No. 259: A bill for an act relating to local government; providing for the publication of certain accounts and delinquent property tax information; amending Minnesota Statutes 1992, sections 281.13; 281.23, subdivision 3; and 375.17.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 785: A bill for an act relating to retirement; survivor benefits payable by the Minneapolis police relief association; amending Minnesota Statutes 1992, section 353B.11, subdivisions 4 and 5; and Laws 1992, chapters 454, section 3; and 471, article 1, section 10, subdivision 1; repealing Laws 1992, chapter 454, section 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 662.

H.F. No. 807: A bill for an act relating to retirement; the Minneapolis fire department relief association; setting service pension rates; amending Minnesota Statutes 1992, section 352B.07, subdivision 3; repealing Laws 1971, chapter 542.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 685.

H.F. No. 893: A bill for an act relating to local government; specifying the prosecuting attorney for certain offenses; amending Minnesota Statutes 1992, section 487.25, subdivision 10.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 709, now on General Orders.

H.F. No. 554: A bill for an act relating to occupations and professions; authorizing actions against lapsed licenses; requiring roofers to be licensed by the state; providing for temporary licenses and fees; amending Minnesota Statutes 1992, sections 45.027, by adding a subdivision; and 326.83, subdivisions 4, 10, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 326.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1444, now on General Orders.

H.F. No. 643: A bill for an act relating to commerce; making technical changes in the department's enforcement powers; regulating cosmetology; prescribing powers and duties; setting fees; amending Minnesota Statutes 1992, sections 45.011, subdivision 1, and by adding a subdivision; 45.027, subdivisions 1, 2, 5, 6, and 8; 155A.03, subdivision 1; 155A.05; 155A.06; 155A.07, subdivisions 2, 4, 7, and 8; 155A.08, subdivisions 2 and 5; 155A.09, subdivisions 2, 5, 6, and 9; 155A.10; 155A.14; 155A.15; and 155A.16; proposing coding for new law in Minnesota Statutes, chapter 155A;

repealing Minnesota Statutes 1992, sections 155A.11; 155A.12; 155A.13; and 155A.18; Minnesota Rules, parts 2642.0310, subparts 3, 4, and 5; 2642.0330, subparts 3 and 4; 2642.0800; 2642.0810; 2644.0310, subparts 2, 3, and 4; 2644.0800; and 2644.0810.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 809, now on General Orders.

H.F. No. 951: A bill for an act relating to the city of Duluth; authorizing the transfer of money from the gas division account in the public utility fund to the general fund; amending Laws 1951, chapter 507, section 1, as amended.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 495, now on General Orders.

H.F. No. 964: A bill for an act relating to public safety; authorizing commissioner of public safety to apply for federal natural disaster assistance funds; amending Minnesota Statutes 1992, section 12.221.

Referred to the Committee on Finance.

H.F. No. 1182: 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.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 1228: A bill for an act relating to retirement; public employees retirement association and Minneapolis employees retirement fund; providing for the retention of pension coverage for certain transferred employees.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 664.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 615. The motion prevailed.

Ms. Piper from the Committee on Family Services, to which was referred

H.F. No. 584: A bill for an act relating to utilities; regulating telephone services to communication-impaired persons; amending Minnesota Statutes 1992, sections 237.49; 237.50, subdivision 3; 237.51, subdivision 2; and 237.52, subdivision 2; repealing Laws 1987, chapter 308, section 8.

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 1992, section 237.50, subdivision 3, is amended to read:

Subd. 3. [COMMUNICATION IMPAIRED.] "Communication impaired" means certified as deaf, severely hearing impaired, ~~hard of hearing~~ *hard-of-hearing*, speech impaired, ~~or deaf and blind, or mobility impaired if the mobility impairment significantly impedes the ability to use standard customer premises equipment.~~

Sec. 2. Minnesota Statutes 1992, section 237.50, subdivision 4, is amended to read:

Subd. 4. [COMMUNICATION DEVICE.] "Communication device" means a device that when connected to a telephone enables a communication-impaired person to communicate with another person utilizing the telephone system. A "communication device" includes a ring signaler, an amplification device, a telephone device for the deaf with any auxiliary equipment, a braille device for use with a telephone, and any other device the board deems necessary, and a telebraille unit.

Sec. 3. Minnesota Statutes 1992, section 237.50, is amended by adding a subdivision to read:

Subd. 4a. [DEAF.] "Deaf" means a hearing impairment of such severity that the individual must depend primarily upon visual communication such as writing, lip reading, manual communication, and gestures.

Sec. 4. Minnesota Statutes 1992, section 237.50, is amended by adding a subdivision to read:

Subd. 6a. [HARD-OF-HEARING.] "Hard-of-hearing" means a hearing impairment resulting in a functional loss, but not to the extent that the individual must depend primarily upon visual communication.

Sec. 5. Minnesota Statutes 1992, section 237.50, subdivision 11, is amended to read:

Subd. 11. [MESSAGE TELECOMMUNICATION RELAY SERVICE.] "Message Telecommunication relay service" means a central statewide service through which a communication-impaired person, using a communication device, may send and receive messages to and from a non-communication-impaired person whose telephone is not equipped with a communication device and through which a non-communication-impaired person may, by using voice communication, send and receive messages to and from a communication-impaired person.

Sec. 6. Minnesota Statutes 1992, section 237.51, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] The telecommunication access for communication-impaired persons board is established to establish and administer a program to distribute communication devices to eligible communication-impaired persons and to create and maintain a message telecommunication relay service.

Sec. 7. Minnesota Statutes 1992, section 237.51, subdivision 2, is amended to read:

Subd. 2. [MEMBERS.] The board consists of 12 persons to include:

(1) the commissioner of the department of human services or the commissioner's designee;

(2) the commissioner of the department of administration or the commissioner's designee;

(3) five (2) seven communication-impaired persons appointed by the governor at least three of whom reside outside a metropolitan county, as defined in section 473.121, subdivision 4, at the time of appointment, at least

four of whom are deaf, one of whom is speech impaired, one of whom is mobility impaired, and one of whom is hard-of-hearing;

(4) (3) one person appointed by the governor who is a professional in the area of communications disabilities;

(5) (4) one person appointed by the governor to represent the telephone company providing local exchange service to the largest number of persons;

(6) (5) one member of the Minnesota Telephone Association appointed by the governor to represent other affected telephone companies; *and*

(7) (6) one person appointed by the governor to represent ~~companies providing inter-LATA interexchange telephone service; and rate payers.~~

(8) ~~one person to represent the organization operating the message relay service to be appointed by the governor at the time the board contracts with the organization pursuant to section 237.54.~~

Sec. 8. Minnesota Statutes 1992, section 237.51, subdivision 4, is amended to read:

Subd. 4. [MEETINGS.] The board shall meet at least ~~monthly until December 31, 1988, and at least quarterly thereafter annually.~~

Sec. 9. Minnesota Statutes 1992, section 237.51, subdivision 5, is amended to read:

Subd. 5. [DUTIES.] In addition to any duties specified elsewhere in sections 237.51 to 237.56, the board shall:

(1) define economic hardship, special needs, and household criteria so as to determine the priority of eligible applicants for initial distribution of devices and to determine circumstances necessitating provision of more than one communication device per household;

(2) establish a method to verify eligibility requirements;

(3) establish specifications for communication devices to be purchased under section 237.53, subdivision 3;

(4) enter contracts for the establishment and operation of the ~~message telecommunication~~ relay service pursuant to section 237.54;

(5) inform the public and specifically the community of communication-impaired persons of the program;

(6) prepare the reports required by section 237.55;

(7) administer the fund created in section 237.52;

(8) ~~reestablish and fill the position of program administrator whose position is in the unclassified service and establish and fill other positions in the classified service required to conduct the business of the board;~~

(9) adopt rules, including emergency rules, under chapter 14 to implement the provisions of sections 237.50 to 237.56; and

(10) ~~study the potential economic impact of the program on local communication device retailers and dispensers; notwithstanding any provision of chapter 16B, the board shall develop guidelines for the purchase of some communication devices from local retailers and dispensers if the study board~~

determines that otherwise they will be economically harmed by implementation of sections 237.50 to 237.56.

Sec. 10. Minnesota Statutes 1992, section 237.51, subdivision 6, is amended to read:

Subd. 6. [ADMINISTRATIVE SUPPORT.] The commissioner of the department of administration shall provide staff assistance not including the program administrator *and other board staff who is are* to be chosen by the board, administrative services, and office space under a contract with the board. The board shall reimburse the commissioner for services, staff, and space provided. The board may request necessary information from the supervising officer of any state agency.

Sec. 11. Minnesota Statutes 1992, section 237.52, subdivision 2, is amended to read:

Subd. 2. [ASSESSMENT.] The board shall annually recommend to the commission an adequate and appropriate mechanism to implement sections 237.50 to 237.56. *The public utilities commission shall review the board's budget for reasonableness and may modify the budget to the extent it is unreasonable.* The commission shall annually determine the funding mechanism to be used within 60 days of receipt of the recommendation of the program administrator and shall order the imposition of surcharges effective on the earliest practicable date. The commission shall establish a monthly charge no greater than ~~ten~~ 20 cents for each customer access line, including trunk equivalents as designated by the commission pursuant to section 403.11, subdivision 1.

Sec. 12. Minnesota Statutes 1992, section 237.52, subdivision 5, is amended to read:

Subd. 5. [EXPENDITURES.] Money in the fund may only be used for:

(1) expenses of the board, including personnel cost, public relations, board members' expenses, preparation of reports, and other reasonable expenses not to exceed 20 percent of total program expenditures;

(2) reimbursing the commissioner of human services for purchases made or services provided pursuant to section 237.53;

(3) reimbursing telephone companies for purchases made or services provided under section 237.53, subdivision 5; and

(4) contracting for establishment and operation of the ~~message~~ telecommunication relay service required by section 237.54.

All costs directly associated with the establishment of the board and program, the purchase and distribution of communication devices, and the establishment and operation of the ~~message~~ telecommunication relay service are either reimbursable or directly payable from the fund after authorization by the board. Notwithstanding section 16A.41, the board may advance money to the contractor of the ~~message~~ telecommunication relay service if the contractor establishes to the board's satisfaction that the advance payment is necessary for the operation of the service. The advance payment may be used only for working capital reserve for the operation of the service. The advance payment must be offset or repaid by the end of the contract fiscal year together with interest accrued from the date of payment.

Sec. 13. Minnesota Statutes 1992, section 237.54, is amended to read:

237.54 [MESSAGE TELECOMMUNICATION RELAY SERVICE.]

Subdivision 1. [ESTABLISHMENT.] The board shall contract with an inter-LATA interexchange telephone service provider to establish a third-party ~~message telecommunication~~ relay service with an "800" number to enable telecommunication between communication-impaired persons and non-communication-impaired persons.

Subd. 2. [OPERATION.] The board shall contract with a local consumer organization that serves communication-impaired persons for operation of the ~~message telecommunication~~ relay system. The board shall contract with a local consumer organization that serves communication-impaired persons for operation of the ~~message telecommunication~~ relay system. *The board may contract with other than a local consumer organization if the board finds by at least a two-thirds majority vote that no local consumer organization is available to enter into or perform a reasonable contract to operate a telecommunications relay system.* The operator of the system shall keep all messages confidential, shall train personnel in the unique needs of communication-impaired people, and shall inform communication-impaired persons and the public of the availability and use of the system. The operator shall not relay a message unless it originates or terminates through a communication device for the deaf or a ~~telebraille device~~ *braille device for use with a telephone.*

Sec. 14. Minnesota Statutes 1992, section 237.55, is amended to read:

237.55 [REPORTS; PLANS.]

The board shall prepare a report for presentation to the commission not later than December 31, 1987, to include plans for distributing communication devices and establishing a third-party message relay service and a recommendation for a funding mechanism pursuant to section 237.52, subdivision 2. The provision of service required under sections 237.50 to 237.56 may begin when the plan is approved by the commission or March 1, 1988, whichever is earlier.

Beginning in 1988, The board must prepare a report for presentation to the commission by December *January* 31 of each year through the year 1992. Each report must review the accessibility of the telephone system to communication-impaired persons, review the ability of non-communication-impaired persons to communicate with communication-impaired persons via the telephone system, describe services provided, account for money received and disbursed annually for each aspect of the program to date, and include predicted future operation ~~until the final report.~~

The final report must, in detail, describe program operation and make recommendations for the funding and service level for necessary ongoing services. The commission may recommend changes in the program to the legislature throughout its operation and shall make a recommendation to the legislature by February 1, 1993, for the future provision and maintenance of the services.

Sec. 15. Laws 1987, chapter 308, section 8, is amended to read:

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective July 1, 1987, and are repealed effective June 30, 1993.

Sec. 16. [REPORT BY TACIP BOARD.]

The telecommunication access for communication-impaired persons board shall report to the legislature by February 1, 1994, on the reasonableness of charging for toll calls made through the telecommunication relay service. The report shall include the economic and policy factors considered by the board.

Sec. 17. [PUBLIC UTILITIES COMMISSION TRANSITIONAL AUTHORITY.]

The public utilities commission is authorized to do all things necessary to ensure that a surcharge increase authorized by section 11 is implemented by July 1, 1993.

Sec. 18. [EFFECTIVE DATE.]

Sections 1 to 6, 8 to 12, 14, and 16, are effective July 1, 1993. Sections 7, 13, 15, and 17 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to utilities; regulating telephone services to communication-impaired persons; amending Minnesota Statutes 1992, sections 237.50, subdivisions 3, 4, 11, and by adding subdivisions; 237.51, subdivisions 1, 2, 4, 5, and 6; 237.52, subdivisions 2 and 5; 237.54; 237.55; and Laws 1987, chapter 308, section 8."

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

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

S.F. No. 1000: A bill for an act relating to real estate; regulating fees, licenses, and agreements; requiring certain disclosures; providing for meetings of the real estate appraiser advisory board; changing terms; regulating fees and licenses; amending Minnesota Statutes 1992, sections 82.17, subdivision 4, and by adding subdivisions; 82.19, subdivision 5, and by adding subdivisions; 82.20, subdivisions 7, 8, and 15; 82.21, subdivision 1, and by adding a subdivision; 82.22, subdivisions 6 and 13; 82.24, subdivision 1; 82.27, subdivision 1; 82.33, subdivision 2, and by adding subdivisions; 82.34, subdivisions 3 and 4; 82B.02, by adding a subdivision; 82B.05, subdivision 5; 82B.09, subdivision 1; 82B.11; 82B.14; 82B.19, subdivision 2; and 507.45, subdivision 4; Laws 1992, chapter 555, article 1, section 12; proposing coding for new law in Minnesota Statutes, chapter 82; repealing Minnesota Statutes 1992, section 82.22, subdivision 7; Minnesota Rules, part 2805.1200.

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 1992, section 82.17, subdivision 4, is amended to read:

Subd. 4. "Real estate broker" or "broker" means any person who:

(a) for another and for commission, fee or other valuable consideration or with the intention or expectation of receiving the same directly or indirectly lists, sells, exchanges, buys or rents, manages, or offers or attempts to negotiate a sale, option, exchange, purchase or rental of an interest or estate in real estate, or advertises or holds out as engaged in these activities;

(b) for another and for commission, fee or other valuable consideration or with the intention or expectation of receiving the same directly or indirectly negotiates or offers or attempts to negotiate a loan, secured or to be secured by a mortgage or other encumbrance on real estate;

(c) for another and for commission, fee or other valuable consideration or with the intention or expectation of receiving the same directly or indirectly lists, sells, exchanges, buys, rents, manages, offers or attempts to negotiate a sale, option, exchange, purchase or rental of any business opportunity or business, or its good will, inventory, or fixtures, or any interest therein;

(d) for another and for commission, fee or other valuable consideration or with the intention or expectation of receiving the same directly or indirectly offers, sells or attempts to negotiate the sale of property that is subject to the registration requirements of chapter 83, concerning subdivided land;

(e) engages in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby the person undertakes to promote the sale of real estate through its listing in a publication issued primarily for this purpose; for another and for commission, fee, or other valuable consideration or with the intention or expectation of receiving the same, promotes the sale of real estate by advertising it in a publication issued primarily for this purpose, if the person:

(1) negotiates on behalf of any party to a transaction;

(2) disseminates any information regarding the property to any party or potential party to a transaction subsequent to the publication of the advertisement, except that in response to an initial inquiry from a potential purchaser, the person may forward additional written information regarding the property which has been prepared prior to the publication by the seller or broker or a representative of either;

(3) counsels, advises, or offers suggestions to the seller or a representative of the seller with regard to the marketing, offer, sale, or lease of the real estate, whether prior to or subsequent to the publication of the advertisement;

(4) counsels, advises, or offers suggestions to a potential buyer or a representative of the seller with regard to the purchase or rental of any advertised real estate; or

(5) engages in any other activity otherwise subject to licensure under this chapter;

(f) engages wholly or in part in the business of selling real estate to the extent that a pattern of real estate sales is established, whether or not the real estate is owned by the person. A person shall be presumed to be engaged in the business of selling real estate if the person engages as principal in five or more transactions during any 12-month period, unless the person is represented by a licensed real estate broker or salesperson;

(g) offers or makes more than five loans secured by real estate during any 12-month period and who is not a bank, savings bank, mutual savings bank, building and loan association, or savings and loan association organized under the laws of this state or the United States, trust company, trust company acting as a fiduciary, or other financial institution subject to the supervision of the commissioner of commerce, or mortgagee or lender approved or certified by the secretary of housing and urban development or approved or certified by the administrator of veterans affairs, or approved or certified by the administrator of the Farmers Home Administration, or approved or certified by the Federal Home Loan Mortgage Corporation, or approved or certified by the Federal National Mortgage Association.

Sec. 2. Minnesota Statutes 1992, section 82.17, is amended by adding a subdivision to read:

Subd. 11. [DUAL AGENCY.] "Dual agency" means a situation in which a licensee owes a duty to more than one party to the transaction.

Circumstances which establish dual agency include the following:

(1) when one licensee represents both the buyer and the seller in a real estate transaction; or

(2) when two or more licensees, licensed to the same broker, each represent a party to the transaction.

Sec. 3. Minnesota Statutes 1992, section 82.17, is amended by adding a subdivision to read:

Subd. 12. [RESIDENTIAL REAL PROPERTY OR RESIDENTIAL REAL ESTATE.] "Residential real property" or "residential real estate" means property occupied by, or intended to be occupied by, one to four families as their residence.

Sec. 4. Minnesota Statutes 1992, section 82.19, is amended by adding a subdivision to read:

Subd. 4a. [SELF-SERVING PROVISION PROHIBITED.] No purchase agreement, earnest money contract, or similar contract for the purchase, rental, or lease of real property may contain any hold harmless clause or arbitration clause which addresses the rights or liabilities of persons required to be licensed pursuant to this chapter unless the person required to be licensed is a principal in the transaction.

This does not prohibit separate and independent written agreements between any of the parties and persons required to be licensed pursuant to this chapter.

Sec. 5. Minnesota Statutes 1992, section 82.19, subdivision 5, is amended to read:

Subd. 5. [DISCLOSURE REGARDING REPRESENTATION OF PARTIES.] (a) No person licensed pursuant to this chapter or who otherwise acts as a real estate broker or salesperson shall represent any party or parties to a real estate transaction or otherwise act as a real estate broker or salesperson unless that person makes an affirmative written disclosure to all parties to the transaction as to which party that person represents in the transaction. In a residential real property transaction, the disclosure must be made at the first substantive contact between the licensee and the party or potential party to the

transaction. The disclosure shall be printed in at least 6-point bold type on the purchase agreement and acknowledged by separate signatures of the buyer and seller as a separate document, and acknowledged by the signature of the buyer, seller, or customer.

(b) The disclosure required by this subdivision must be made by the licensee prior to any offer being made to or accepted by the buyer. A change in licensee's representation that makes the initial disclosure incomplete, misleading, or inaccurate requires that a new disclosure be made at once with respect to any residential property transaction:

- (1) when representing the seller, at the signing of a listing agreement;
- (2) when representing the buyer, at the signing of a buyer's broker agreement;
- (3) as to all other parties (potential buyers or sellers) who are not represented by the licensee, before discussion of financial information or the commencement of negotiations, which could affect that party's bargaining position in the transaction.

A change in the licensee's representation, including dual agency, that makes the initial disclosure required by this paragraph incomplete, misleading, or inaccurate requires that a new disclosure be made at once.

(c) The seller may, in the listing agreement, authorize the seller's broker to disburse part of the broker's compensation to other brokers, including the buyer's brokers solely representing the buyer. A broker representing a buyer shall make known to the seller or the seller's agent the fact of the agency relationship before any showing or negotiations are initiated.

Sec. 6. Minnesota Statutes 1992, section 82.19, is amended by adding a subdivision to read:

Subd. 8. [CLOSING SERVICES.] No real estate broker, salesperson, or closing agent shall require a person to use any particular lender, licensed attorney, real estate broker, real estate salesperson, real estate closing agent, or title company in connection with a residential real estate closing.

Sec. 7. [82.195] [LISTING AGREEMENTS.]

Subdivision 1. [REQUIREMENT.] Licensees shall obtain a signed listing agreement from the owner of real property or from another person authorized to offer the property for sale or lease before advertising to the general public that the real property is available for sale or lease.

For the purposes of this section "advertising" includes placing a sign on the owner's property that indicates that the property is being offered for sale or lease.

Subd. 2. [CONTENTS.] All listing agreements must be in writing and must include:

- (1) a definite expiration date;
- (2) a description of the real property involved;
- (3) the list price and any terms required by the seller;
- (4) the amount of any compensation or commission or the basis for computing the commission;

(5) a clear statement explaining the events or conditions that will entitle a broker to a commission;

(6) information regarding an override clause, if applicable, including a statement to the effect that the override clause will not be effective unless the licensee supplies the seller with a protective list within 72 hours after the expiration of the listing agreement;

(7) the following notice in not less than ten-point boldface type immediately preceding any provision of the listing agreement relating to compensation of the licensee:

"NOTICE: THE COMMISSION RATE FOR THE SALE, LEASE, RENTAL, OR MANAGEMENT OF REAL PROPERTY SHALL BE DETERMINED BETWEEN EACH INDIVIDUAL BROKER AND ITS CLIENT.";

(8) if the broker chooses to represent both buyers and sellers in connection with residential property transactions, a "dual agency" disclosure statement;

(9) a notice requiring the seller to indicate in writing whether it is acceptable to the seller to have the licensee arrange for closing services or whether the seller wishes to arrange for others to conduct the closing. The notice must also include the disclosure of any controlled business arrangement, as the term is defined in United States Code, title 12, section 1602, between the licensee and the real estate closing agent through which the licensee proposes to arrange closing services; and

(10) for residential listings, a notice stating that after the expiration of the listing agreement, the seller will not be obligated to pay the licensee a fee or commission if the seller has executed another valid listing agreement pursuant to which the seller is obligated to pay a fee or commission to another licensee for the sale, lease, or exchange of the real property in question. This notice may be used in the listing agreement for any other type of real estate.

Subd. 3. [PROHIBITED PROVISIONS.] Licensees shall not include in a listing agreement a holdover clause, automatic extension, or any similar provision, or an override clause the length of which is more than six months after the expiration of the listing agreement.

Subd. 4. [OVERRIDE CLAUSES.] Licensees shall not seek to enforce an override clause unless a protective list has been furnished to the seller within 72 hours after the expiration of the listing agreement.

Subd. 5. [PROTECTIVE LISTS.] A broker or salesperson has the burden of demonstrating that each person on the protective list has, during the period of the listing agreement, either made an affirmative showing of interest in the property by responding to an advertisement or by contacting the broker or salesperson involved or has been physically shown the property by the broker or salesperson. For the purpose of this section, the mere mailing or other distribution by a licensee of literature setting forth information about the property in question does not, of itself, constitute an affirmative showing of interest in the property on the part of a subsequent purchaser.

For listings of nonresidential real property which do not contain the notice described in subdivision 2, clause (10), the protective list must contain the following notice in boldface type:

"IF YOU RELIST WITH ANOTHER BROKER WITHIN THE OVERRIDE PERIOD AND THEN SELL YOUR PROPERTY TO ANYONE WHOSE NAME

APPEARS ON THIS LIST, YOU COULD BE LIABLE FOR FULL COMMISSIONS TO BOTH BROKERS. IF THIS NOTICE IS NOT FULLY UNDERSTOOD, SEEK COMPETENT ADVICE."

Sec. 8. [82.196] [BUYER'S BROKER AGREEMENTS.]

Subdivision 1. [REQUIREMENTS.] Licensees shall obtain a signed buyer's broker agreement from a buyer before performing any acts as a buyer's representative.

Subd. 2. [CONTENTS.] All buyer's broker agreements must be in writing and must include:

- (1) a definite expiration date;
- (2) the amount of any compensation or commission, or the basis for computing the commission;
- (3) a clear statement explaining the services to be provided to the buyer by the broker, and the events or conditions that will entitle a broker to a commission or other compensation;
- (4) a provision for cancellation of the agreement by either party upon terms agreed upon by the parties;
- (5) information regarding an override clause, if applicable, including a statement to the effect that the override clause will not be effective unless the licensee supplies the buyer with a protective list within 72 hours after the expiration of the buyer's broker agreement;
- (6) the following notice in not less than ten-point bold face type immediately preceding any provision of the buyer's broker agreement relating to compensation of the licensee:

"NOTICE: THE COMMISSION RATE FOR THE PURCHASE, LEASE, RENTAL, OR MANAGEMENT OF REAL PROPERTY IS NEGOTIABLE AND SHALL BE DETERMINED BETWEEN EACH INDIVIDUAL BROKER AND ITS CLIENT.";

(7) if the broker chooses to represent both buyers and sellers, a "dual agency" disclosure statement; and

(8) for buyer's broker agreements which involve residential real property, a notice stating that after the expiration of the buyer's broker agreement, the buyer will not be obligated to pay the licensee a fee or commission if the buyer has executed another valid buyer's broker agreement pursuant to which the buyer is obligated to pay a fee or commission to another licensee for the purchase, lease, or exchange of real property.

Subd. 3. [PROHIBITED PROVISIONS.] Licensees shall not include in a buyer's broker agreement a holdover clause, automatic extension, or any other similar provision, or an override clause the length of which is more than six months after the expiration of the buyer's broker agreement.

Subd. 4. [OVERRIDE CLAUSES.] Licensees shall not seek to enforce an override clause unless a protective list has been furnished to the buyer within 72 hours after the expiration of the buyer's broker agreement.

Subd. 5. [PROTECTIVE LISTS.] A licensee has the burden of demonstrating that each property on the protective list has been shown to the buyer, or

specifically brought to the attention of the buyer, during the time the buyer's broker agreement was in effect.

Subd. 6. [APPLICATION.] This section applies only to residential real property transactions.

Sec. 9. [82.197] [DISCLOSURE REQUIREMENTS.]

Subdivision 1. [AGENCY DISCLOSURE.] The listing agreement or a buyer's broker agreement must include a clear and complete explanation of how the broker will represent the interests of the seller or buyer, and, if the broker represents both sellers and buyers, state how that representation would be altered in a dual agency situation, and require the seller or buyer to choose whether to authorize the broker to initiate any transaction which would give rise to dual agency. Disclosure to a customer of a licensee's agency relationship with other parties must be made at a time and in a manner sufficient to protect the customer's bargaining position.

Subd. 2. [CREATION OF DUAL AGENCY.] If circumstances create a dual agency situation, the broker must make full disclosure to all parties to the transaction as to the change in relationship of the parties to the broker due to dual agency. A broker, having made full disclosure, must obtain the consent of all parties to these circumstances before accepting the dual agency.

Subd. 3. [SCOPE AND EFFECT.] The requirements for disclosure of agency relationships set forth in this chapter are intended to establish a minimum standard for regulatory purposes. Specific situations may require additional disclosure.

Subd. 4. [AGENCY DISCLOSURE FORMS.] (a) Disclosures of agency relationships shall be made in substantially the form set forth in paragraphs (b) to (e):

(b) ADDENDUM TO LISTING AGREEMENT

....(Broker).... will be representing you as your broker in the sale of your property located at This relationship is called an agency. As your agent,(Broker).... owes you the duties of loyalty, obedience, disclosure, confidentiality, reasonable care and diligence, and full accounting. However,(Broker).... also represents buyers looking for properties. If a buyer represented by(Broker).... becomes interested in your property, a dual agency will be created. This means that(Broker).... will owe the same duties to the buyer that we owe to you. This conflict of interest will prohibit(Broker).... from advocating exclusively on your behalf when attempting to effect the sale of your property. Dual agency will limit the level of representation which(Broker).... can provide.

If a dual agency should arise, you will need to agree that confidential information about price, terms, and motivation will still be kept confidential unless you instruct(Broker).... in writing to disclose specific information about you or your property. All other information will be shared. Regardless of whether a dual agency occurs,(Broker).... must disclose to the buyer any material facts of which(Broker).... is aware that may adversely and significantly affect the buyer's use or enjoyment of the property. In addition,(Broker).... must disclose to both parties any information of which(Broker).... is aware that a party will not perform in accordance with the

terms of the purchase agreement or similar written agreement to convey real estate.

....(Broker).... cannot act as a dual agent unless both you and the buyer agree to the dual agency after it is disclosed to you. By agreeing to a possible dual agency, you will be giving up the right to exclusive representation in an in-house transaction. However, if you should decide not to agree to a possible dual agency, and you want(Broker).... to represent you, you may give up the opportunity to sell your property to buyers represented by(Broker).....

SELLER'S INSTRUCTIONS TO BROKER

Having read and understood this information about dual agency, you now instruct(Broker).... as follows:

.... Seller agrees to dual agency representation and will consider offers made by buyers represented by(Broker).....

.... Seller does not agree to dual agency representation and will not consider offers made by buyers represented by(Broker).....

.....
Seller (Broker)

.....
Seller BY: Salesperson

Dated:

(c) ADDENDUM TO BUYER REPRESENTATION AGREEMENT

....(Broker).... will be representing you as your broker to assist you in finding and purchasing a property. This relationship is called an agency. As your agent,(Broker).... owes you the duties of loyalty, obedience, disclosure, confidentiality, reasonable care and diligence, and full accounting. However,(Broker).... also represents sellers by listing their property for sale. If you become interested in a property listed by(Broker)...., a dual agency will be created. This means that(Broker).... will owe the same duties to the seller that(Broker).... owes to you. This conflict of interest will prohibit(Broker).... from advocating exclusively on your behalf when attempting to effect the purchase of the property. Dual agency will limit the level of representation(Broker).... can provide.

If a dual agency should arise, you will need to agree that confidential information about price, terms, and motivation will still be kept confidential unless you instruct(Broker).... in writing to disclose specific information about you. All other information will be shared. Regardless of whether a dual agency occurs,(Broker).... must disclose to the buyer any material facts of which(Broker).... is aware that may adversely and significantly affect the buyer's use or enjoyment of the property. In addition,(Broker).... must disclose to both parties any information of which(Broker).... is aware that a party will not perform in accordance with the terms of the purchase agreement or similar written agreement to convey real estate.

....(Broker).... cannot act as a dual agent unless both you and the seller agree to the dual agency after it is disclosed to you. By agreeing to a possible dual agency, you will be giving up the right to exclusive representation in an in-house transaction. However, if you should decide not to agree to a possible

dual agency, and you want(Broker).... to represent you, you may give up the opportunity to purchase the properties listed by(Broker).....

BUYER'S INSTRUCTIONS TO BROKER

Having read and understood this information about dual agency, you now instruct(Broker).... as follows:

.... Buyer will agree to a dual agency representation and will consider properties listed by(Broker).....

.... Buyer will not agree to a dual agency representation and will not consider properties listed by(Broker).....

.....
Buyer

.....
(Broker)

.....
Buyer

.....
BY: Salesperson

Dated:

(d) DISCLOSURE TO CUSTOMER

Before(Broker).... begins to assist you in finding and purchasing a property, we must disclose to you that(Broker).... will be representing the seller in the transaction.

....(Broker).... will disclose to you all material facts about the property of which(Broker).... is aware, that could adversely and significantly affect your use or enjoyment of the property.(Broker).... will also assist you with the mechanics of the transaction.

When it comes to the price and terms of an offer,(Broker).... will ask you to make the decision as to how much to offer for any property and upon what terms and conditions.(Broker).... can explain your options to you, but the ultimate decision is yours.(Broker).... will attempt to show you properties in the price range and category you desire so that you will have information on which to base your decision.

....(Broker).... will present to the seller any written offer that you ask(Broker).... to present.(Broker).... asks you to keep to yourself any information about the price or terms of your offer, or your motivation for making an offer, that you do not want the seller to know.(Broker).... would be required, as the seller's agent, to disclose this information to the seller. You should carefully consider sharing any information with(Broker).... that you do not want disclosed to the seller.

.....
Customer

.....
(Broker)

.....
Customer

.....
BY: Salesperson

Dated:

(e) DISCLOSURE TO BUYER AND SELLER AT TIME OF OFFER TO PURCHASE

....(Broker).... represents the seller at the property located at

....(Broker).... also represents a buyer who offered to purchase the seller's property.

When(Broker).... represents both the buyer and the seller in a transaction, a dual agency is created. This means that(Broker).... and its agents owe a fiduciary duty to both buyer and seller. Because buyer and seller may have conflicting interests,(Broker).... and its agents are prohibited from advocating exclusively for either party.

....(Broker).... cannot represent both the buyer and seller in this transaction unless both the buyer and seller agree to this dual agency.

Buyer and seller acknowledge and agree that:

1. Confidential information communicated to(Broker).... which regards price, terms, or motivation to buy or sell will remain confidential unless buyer or seller instructs(Broker).... in writing to disclose this information about the buyer or seller. Other information will be shared.

2.(Broker).... and its salespersons will disclose to buyer all material facts of which they are aware which could adversely and significantly affect the buyer's use or enjoyment of the property or any intended use of the property of which(Broker).... or its salespersons are aware (this disclosure is required by law whether or not a dual agency is involved).

3.(Broker).... and its salespersons will disclose to both parties all information of which they are aware that either party will not perform in accordance with the terms of the purchase agreement or other written agreement to convey real estate (this disclosure is required by law whether or not a dual agency is involved).

4.(Broker).... and its salespersons will not represent the interests of either party to the detriment of the other.

5. Within the limits of dual agency,(Broker).... and its salespersons will work diligently to facilitate the mechanics of the sale.

With the knowledge and understanding of the explanation above, buyer and seller authorize and instruct(Broker).... and its salespersons to act as dual agents in this transaction.

.....
Buyer	Seller
.....
Buyer	Seller
Date:.....	Date:.....

Subd. 5. [APPLICATION.] The disclosures required by subdivision 4 apply only to residential real property transactions.

Sec. 10. Minnesota Statutes 1992, section 82.20, subdivision 15, is amended to read:

Subd. 15. [EXEMPTION.] The following persons, when acting as closing agents, are exempt from the requirements of sections 82.19 and 82.24 unless otherwise required in this section or chapter:

(1) a direct employee of a title company, or a person who has an agency agreement with a title company in which the agent agrees to perform closing

services on the title company's behalf and the title company assumes responsibility for the actions of the agent as if the agent were a direct employee of the title company;

(2) a licensed attorney or a direct employee of a licensed attorney;

(3) a licensed real estate broker or salesperson;

(4) a direct employee of a licensed real estate broker if the broker maintains all funds received in connection with the closing services in the broker's trust account; and

(5) any bank, trust company, savings and loan association, credit union, industrial loan and thrift company, regulated lender under chapter 56, public utility, or land mortgage or farm loan association organized under the laws of this state or the United States, when engaged in the transaction of businesses within the scope of its corporate powers as provided by law.

Sec. 11. Minnesota Statutes 1992, section 82.21, subdivision 1, is amended to read:

Subdivision 1. [AMOUNTS.] The following fees shall be paid to the commissioner:

(a) A fee of \$100 *per year* for each initial individual broker's license, and a fee of \$50 *per year* for each ~~annual~~ renewal thereof;

(b) A fee of \$50 *per year* for each initial salesperson's license, and a fee of \$20 *per year* for each ~~annual~~ renewal thereof;

(c) A fee of \$55 *per year* for each initial real estate closing agent license, and a fee of \$30 *per year* for each ~~annual~~ renewal;

(d) A fee of \$100 *per year* for each initial corporate or partnership license, and a fee of \$50 *per year* for each ~~annual~~ renewal thereof;

(e) A fee ~~not to exceed~~ of \$40 *per year* for payment to the education, research and recovery fund in accordance with section 82.34;

(f) A fee of \$20 for each transfer;

(g) A fee of \$50 for a corporation or partnership name change;

(h) A fee of \$10 for an agent name change;

(i) A fee of \$20 for a license history;

(j) A fee of \$10 for a duplicate license;

(k) A fee of \$50 for license reinstatement;

(l) A fee of \$20 for reactivating a corporate or partnership license without land;

(m) A fee of \$100 for course coordinator approval; and

(n) A fee of ~~\$10~~ \$20 for each hour or fraction of one hour of course approval sought.

Sec. 12. Minnesota Statutes 1992, section 82.21, is amended by adding a subdivision to read:

Subd. 2a. [BROKER PAYMENT CONSOLIDATION.] For all license renewal fees, recovery fund renewal fees, and recovery fund assessments pursuant to this section and section 82.34, the broker must remit the fees or assessments for the company, broker, and all salespersons licensed to the broker, in the form of a single check.

Sec. 13. Minnesota Statutes 1992, section 82.22, subdivision 6, is amended to read:

Subd. 6. [INSTRUCTION; NEW LICENSES.] (a) After January 1, 1987, Every applicant for a salesperson's license shall be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before taking the examination specified in subdivision 1. After January 1, 1987, Every applicant for a salesperson's license shall be required to successfully complete an additional course of study in the real estate field consisting of 60 hours of instruction approved by the commissioner, of which three hours shall consist of training in state and federal fair housing laws, regulations, and rules, before filing an application for the license. Every salesperson licensed after January 1, 1987, shall, within one year of licensure, be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner.

(b) After December 31, 1983, and before January 1, 1987, every applicant for a salesperson's license shall be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before taking the examination specified in subdivision 1. After December 31, 1983, and before January 1, 1987, every applicant for a salesperson's license shall be required to successfully complete an additional course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before filing an application for the license. Every salesperson licensed after December 31, 1983, and before January 1, 1987, shall, within one year of the date a license was first issued, be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner.

(c) The commissioner may approve courses of study in the real estate field offered in educational institutions of higher learning in this state or courses of study in the real estate field developed by and offered under the auspices of the national association of realtors, its affiliates, or private real estate schools. The commissioner shall not approve any course offered by, sponsored by, or affiliated with any person or company licensed to engage in the real estate business. The commissioner may by rule prescribe the curriculum and qualification of those employed as instructors.

(d) After January 1, 1988, (c) An applicant for a broker's license must successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner, of which three hours shall consist of training in state and federal fair housing laws, regulations, and rules. The course must have been completed within six months prior to the date of application for the broker's license.

(e) After August 1, 1989, (d) An applicant for a real estate closing agent's license must successfully complete a course of study relating to closing services consisting of eight hours of instruction approved by the commissioner.

Sec. 14. Minnesota Statutes 1992, section 82.22, subdivision 13, is amended to read:

Subd. 13. [CONTINUING EDUCATION.] (a) After July 1, 1987, All real estate salespersons and all real estate brokers shall be required to successfully complete 15 hours of real estate education, either as a student or a lecturer, in courses of study approved by the commissioner, each year after their initial annual renewal date or after the expiration of their currently assigned three year continuing education due date. All salespersons and brokers shall report continuing education on an annual basis no later than June 30, 1990 May 31. Hours in excess of 15 earned in any one year may be carried forward to the following year.

(b) The commissioner shall adopt rules defining the standards for course and instructor approval, and may adopt rules for the proper administration of this subdivision.

(c) Any program approved by Minnesota continuing legal education shall be approved by the commissioner of commerce for continuing education for real estate brokers and salespeople if the program or any part thereof relates to real estate.

(d) As part of the continuing education requirements of this section, the commissioner shall require that all real estate brokers and salespersons receive at least two hours of training every even-numbered year in courses in state and federal fair housing laws, regulations, and rules, or other antidiscrimination laws.

Sec. 15. Minnesota Statutes 1992, section 82.24, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] (a) All trust funds received by a broker or the broker's salespeople or closing agents shall be deposited forthwith upon receipt in a trust account, maintained by the broker for such purpose in a bank, savings and loan association, credit union, or an industrial loan and thrift company with deposit liabilities designated by the broker or closing agent, except as such money may be paid to one of the parties pursuant to express written agreement between the parties to a transaction. The depository bank shall be a Minnesota bank or trust company or any foreign bank and shall authorize the commissioner to examine its records of such deposits upon demand by the commissioner. The industrial loan and thrift company shall be organized under chapter 53. The savings and loan association or credit union shall be organized under the laws of any state or the United States.

(b) *All trust accounts opened or maintained pursuant to requirements of paragraph (a) must be established through the use of an employer identification number. Any trust account currently identified with a broker's personal social security number must be changed to reflect the broker's employer's identification number rather than the broker's personal social security number.*

Sec. 16. Minnesota Statutes 1992, section 82.27, subdivision 1, is amended to read:

Subdivision 1. The commissioner may by order deny, suspend or revoke any license or may censure a licensee if the commissioner finds (1) that the order is in the public interest, and (2) that the applicant or licensee or, in the case of a broker, any officer, director, partner, employee or agent or any person

occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker or closing agent or controlled by the broker or closing agent:

(a) has filed an application for a license which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(b) has engaged in a fraudulent, deceptive, or dishonest practice;

(c) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the real estate business;

(d) has failed to reasonably supervise brokers, salespersons, or closing agents so as to cause injury or harm to the public;

(e) has violated or failed to comply with any provision of this chapter or any rule or order under this chapter; or

(f) has, in the conduct of the licensee's affairs under the license, been shown to be incompetent, untrustworthy, or financially irresponsible; or

(g) has acted on behalf of any party to a transaction, where the licensee has a conflict of interest that may affect the licensee's ability to represent that party, without the knowledge and consent of the party.

Sec. 17. Minnesota Statutes 1992, section 82.33, subdivision 2, is amended to read:

Subd. 2. No person required by this chapter to be licensed shall be entitled to or may bring or maintain any action in the courts for any commission, fee or other compensation with respect to the purchase, sale, lease or other disposition or conveyance of real property, or with respect to the negotiation or attempt to negotiate any sale, lease or other disposition or conveyance of real property unless there is a written agreement with the person bringing or maintaining the action required to be licensed.

Sec. 18. Minnesota Statutes 1992, section 82.33, is amended by adding a subdivision to read:

Subd. 3. No person required by this chapter to be licensed shall be entitled to bring any action to recover any commission, fee, or other compensation with respect to the purchase, sale, lease, or other disposition or conveyance of residential real property, or with respect to the negotiation or attempt to negotiate any sale, lease, or other disposition or conveyance of residential real property unless the person's agency relationships have been disclosed to the parties to the transaction in accordance with the requirements of this chapter.

Sec. 19. Minnesota Statutes 1992, section 82.33, is amended by adding a subdivision to read:

Subd. 4. No person required to be licensed by this chapter may maintain an action in the courts of this state to enforce any provision of a purchase agreement, earnest money contract, or similar contract for the purchase, rental, or lease of real property if the provision to be enforced violates section 82.19, subdivision 4a.

Sec. 20. Minnesota Statutes 1992, section 82.34, subdivision 3, is amended to read:

Subd. 3. [FEE FOR REAL ESTATE FUND.] Each real estate broker, real estate salesperson, and real estate closing agent entitled under this chapter to renew a license shall pay in addition to the appropriate renewal fee a further fee of \$25 *per year* which shall be credited to the real estate education, research, and recovery fund. Any person who receives a *an initial* license shall pay the fee of \$50 in addition to all other fees payable.

Sec. 21. Minnesota Statutes 1992, section 82.34, subdivision 7, is amended to read:

Subd. 7. When any aggrieved person obtains a final judgment in any court of competent jurisdiction regardless of whether the judgment has been discharged by a bankruptcy court against an individual licensed under this chapter, on grounds of fraudulent, deceptive, or dishonest practices, or conversion of trust funds arising directly out of any transaction when the judgment debtor was licensed and performed acts for which a license is required under this chapter, or performed acts permitted by section 327B.04, subdivision 5, the aggrieved person may, upon the judgment becoming final, and upon termination of all proceedings, including reviews and appeals, file a verified application in the court in which the judgment was entered for an order directing payment out of the fund of the amount of actual and direct out of pocket loss in the transaction, but excluding any attorney's fees, interest on the loss and on any judgment obtained as a result of the loss, up to the sum of \$150,000 of the amount unpaid upon the judgment, provided that nothing in this chapter shall be construed to obligate the fund for more than \$150,000 per claimant, per transaction, subject to the limitations set forth in subdivision 14, regardless of the number of persons aggrieved or parcels of real estate involved in the transaction, provided that regardless of the number of claims against a licensee, nothing in this chapter may obligate the fund for more than \$250,000 per licensee. An aggrieved person who has a cause of action under section 80A.23 shall first seek recovery as provided in section 80A.05, subdivision 5, before the commissioner may order payment from the recovery fund. For purposes of this section, persons who are joint tenants or tenants in common are deemed to be a single claimant. A copy of the verified application shall be served upon the commissioner and upon the judgment debtor, and a certificate or affidavit of service filed with the court. For the purpose of this section, "aggrieved person" shall not include a licensee unless (1) the licensee is acting in the capacity of principal in the sale of interests in real property owned by the licensee; or (2) the licensee is acting in the capacity of principal in the purchase of interests in real property to be owned by the licensee. Under no circumstances shall a licensee be entitled to payment under this section for the loss of a commission or similar fee.

For the purposes of this section, recovery is limited to transactions where the property involved is intended for the direct personal habitation or commercial use of the buyer.

Except for securities permitted to be sold by a licensee pursuant to section 82.19, subdivision 7, for any action commenced after July 1, 1993, recovery under this section is not available where the buyer's participation is for investment purposes only, and is limited to providing capital to fund the transaction.

Sec. 22. Minnesota Statutes 1992, section 82B.02, is amended by adding a subdivision to read:

Subd. 14. [TRANSACTION VALUE.] "Transaction value" means:

(1) for loans or other extensions of credit, the amount of the loan or extension of credit;

(2) for sales, leases, purchases, and investments in or exchanges of real property, the market value of the real property interest involved; and

(3) for the pooling of loans or interests in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each such loan or interest in real property.

Sec. 23. Minnesota Statutes 1992, section 82B.035, is amended by adding a subdivision to read:

Subd. 3. [GEOLOGISTS OR ENGINEERS.] This chapter does not apply to an appraisal, analysis, opinion, or conclusion as to the value of oil, gas, coal, and other mineral resources performed by an engineer registered as provided in sections 326.01 to 326.15 or by a certified professional geologist, unless the appraisal, analysis, opinion, or conclusion of value is performed in connection with a federally related transaction subject to the requirements of 12 U.S.C. 3331, et seq., the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

Sec. 24. Minnesota Statutes 1992, section 82B.05, subdivision 5, is amended to read:

Subd. 5. [CONDUCT OF MEETINGS.] Places of regular board meetings must be decided by the vote of members. Written notice must be given to each member of the time and place of each meeting of the board at least ten days before the scheduled date of regular board meetings. The board shall establish procedures for emergency board meetings and other operational procedures, subject to the approval of the commissioner.

The members of the board shall elect a chair from among the members to preside at board meetings.

A quorum of the board is eight members.

~~The board shall meet at least quarterly, except that a meeting may be canceled, subject to the approval by the commissioner if as determined by a majority vote of the members determine that the meeting is not necessary or a call of the commissioner.~~

~~The commissioner or a majority of the members may schedule additional meetings as necessary.~~

Sec. 25. Minnesota Statutes 1992, section 82B.11, is amended to read:

82B.11 [CLASSES OF LICENSE.]

Subdivision 1. [GENERALLY.] There are five classes of license for real estate appraisers.

Subd. 2. [STATE REGISTERED REAL PROPERTY APPRAISER.] When a net income capitalization analysis is not required by the uniform standards of professional appraisal practice, a state registered real property appraiser may appraise residential real property or agricultural property.

Subd. 3. [~~FEDERAL RESIDENTIAL LICENSED REAL PROPERTY APPRAISER.~~] A ~~federal residential licensed~~ real property appraiser may appraise noncomplex ~~one to four~~ residential ~~units~~ property or agricultural property having a transaction value less than \$1,000,000 and complex ~~one to four~~ residential ~~units~~ or agricultural property having a transaction value less than \$250,000.

Subd. 4. [~~CERTIFIED FEDERAL RESIDENTIAL REAL PROPERTY APPRAISER.~~] A certified ~~federal~~ residential real property appraiser may appraise ~~one to four~~ residential ~~units~~ property or agricultural property without regard to transaction value or complexity.

Subd. 5. [~~CERTIFIED FEDERAL GENERAL REAL PROPERTY APPRAISER.~~] A certified ~~federal~~ general real property appraiser may appraise all types of real property.

Subd. 6. [~~TEMPORARY PRACTICE.~~] The commissioner shall issue a license for temporary practice as a real estate appraiser under subdivision 3, 4, or 5 to a person certified or licensed by another state if:

(1) the property to be appraised is part of a federally-related transaction and the person is licensed to appraise property limited to the same transaction value or complexity provided in subdivision 3, 4, or 5;

(2) the appraiser's business is of a temporary nature; and

(3) the appraiser registers with the commissioner to obtain a temporary license ~~prior to~~ *before* conducting appraisals within the state.

Sec. 26. Minnesota Statutes 1992, section 82B.14, is amended to read:

82B.14 [EXPERIENCE REQUIREMENT.]

(a) A license under section 82B.11, subdivision 3, 4, or 5, may not be issued to a person who does not have the equivalent of two years of experience in real property appraisal supported by adequate written reports or file memoranda.

(b) Each applicant for license under section 82B.11, subdivision 3, 4, or 5, shall give under oath a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the commissioner for examination, a sample of appraisal reports that the applicant has prepared in the course of appraisal practice.

(c) *Applicants may not receive credit for experience accumulated while unlicensed, if the experience is based on activities which required a license under this section.*

Sec. 27. Minnesota Statutes 1992, section 82B.19, subdivision 2, is amended to read:

Subd. 2. [RULES.] (a) The commissioner may adopt rules to assure that persons renewing their licenses as licensed real estate appraisers have current knowledge of real property appraisal theories, practices, and techniques that will provide a high degree of service and protection to those members of the public with whom they deal in a professional relationship under authority of their license. ~~The rules must include the following:~~

(1) ~~policies and procedures for obtaining approval of courses of instruction;~~

(2) standards, monitoring methods, and systems for recording attendance to be employed by course sponsors as a prerequisite to approval of courses for credit; and

(3) coordination with real estate continuing education requirements so that as the commissioner considers courses or parts of courses appropriate they may be used to satisfy both real estate and appraiser continuing education requirements.

(b) To the extent the commissioner considers it appropriate, courses or parts of courses may be considered to satisfy both continuing education requirements under this section and continuing real estate education requirements.

(c) As a prerequisite for course approval, sponsors shall submit proposed monitoring methods, and systems for recording attendance sufficient to ensure that participants receive course credit only for portions actually attended.

Sec. 28. Minnesota Statutes 1992, section 507.45, subdivision 4, is amended to read:

Subd. 4. [CHOICE OF CLOSING AGENT; LISTING NOTICE; RULES.]

(a) No real estate salesperson, broker, attorney, auctioneer, builder, title company, financial institution, or other person making a mortgage loan may require a person to use any particular licensed attorney, real estate broker, real estate salesperson, or real estate closing agent in connection with a residential real estate closing.

(b) All listing agreements must include a notice informing sellers of their rights under this subdivision. The notice must require the seller to indicate in writing whether it is acceptable to the seller to have the licensee arrange for closing services or whether the seller wishes to arrange for others to conduct the closing. The notice must also include the disclosure of any controlled business arrangement, as the term is defined in United States Code, title 12, section 1602, between the licensee and the real estate closing agent through which the licensee proposes to arrange closing services.

(c) ~~The commissioner of commerce may adopt rules under chapter 14 to implement, administer, and enforce this subdivision.~~

Sec. 29. Laws 1992, chapter 555, article 1, section 12, is amended to read:

Sec. 12. [PENDING CLAIMS.]

The change in the per year limit contained in section 6 does not apply to a ~~cause of action~~ civil or administrative proceeding that was commenced before August 1, 1992.

Sec. 30. [APPLICATION OF CHAPTER 82 AMENDMENTS.]

The amendments to Minnesota Statutes, chapter 82, made by this act are not intended to apply to, or affect the outcome of, any litigation pending on the date of final enactment of those amendments.

Sec. 31. [REVISOR INSTRUCTION.]

The revisor shall change terms in Minnesota Statutes and Minnesota Rules to reflect the changes in the names of the five classes of licenses for real estate appraisers made in section 25:

Sec. 32. [REPEALER.]

(a) *Minnesota Statutes 1992, sections 82.22, subdivision 7; and 462A.201, subdivision 5, are repealed.*

(b) *Minnesota Rules, part 2805.1200, is repealed.*

Sec. 33. [EFFECTIVE DATE.]

Sections 1 to 9, 18, 19, and 32 are effective October 1, 1993.

Sections 10 to 17, 20 to 22, 24 to 28, and 31 are effective July 1, 1993.

Section 29 is effective retroactive to the effective date of the section being amended.

Section 30 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 9, delete "subdivisions 7, 8, and" and insert "subdivision"

Page 1, line 13, delete "4" and insert "7"

Page 1, line 14, after the first semicolon, insert "82B.035, by adding a subdivision;" and delete "82B.09,"

Page 1, line 15, delete "subdivision 1;"

Page 1, line 19, delete "section" and insert "sections" and after the semicolon, insert "and 462A.201, subdivision 5;"

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

Messrs. Pogemiller and Stumpf from the Committee on Education, to which was referred

S.F. No. 1465: A bill for an act relating to higher education; creating a higher education instructional telecommunications network; providing for grants from the higher education coordinating board for regional linkages, regional coordination, courseware development and usage, and faculty training; appropriating money.

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

Page 1, line 19, after the period, insert "*The higher education instructional telecommunications network shall use the statewide telecommunications access and routing system where operationally, technically, and economically feasible in order to maximize the state's telecommunication resources.*"

Page 1, delete lines 20 to 26 and insert:

"Subd. 2. [HIGHER EDUCATION COORDINATING BOARD.] *The higher education coordinating board shall administer the higher education instructional telecommunications network. The board shall convene the higher education instructional telecommunications council.*

Subd. 3. [NETWORK COUNCIL.] *The higher education instructional telecommunications network council shall be composed of: two representatives selected by each public higher education system, one private college*

representative selected by the Minnesota private college council, the commissioner of education or designee to represent K-12 education, and one higher education coordinating board representative. The council shall:

(1) develop a vision and plans for the use of distance learning technologies and provide leadership in implementing the use of such technologies;

(2) develop educational policy for matters affecting the network;

(3) determine priorities for network use;

(4) oversee coordination of network activity with campuses, K-12 education, and regional educational telecommunications networks; and

(5) determine priorities for grant funding proposals."

Page 2, delete lines 1 to 16

Page 2, line 25, delete "advisory"

Page 2, line 35, delete "and"

Page 3, line 1, before the period, insert " ; and

(6) the higher education instructional telecommunications network shall use the statewide telecommunications access and routing system where operationally, technically, and economically feasible in order to maximize the state's telecommunication resources"

Page 3, line 10, delete "advisory"

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

Ms. Reichgott from the Committee on Judiciary, to which was referred

S.F. No. 746: A bill for an act relating to limited liability companies; requiring biennial registration; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 322B.

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

Pages 3 and 4, delete section 2

Amend the title as follows:

Page 1, line 3, delete "appropriating money;"

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

Ms. Reichgott from the Committee on Judiciary, to which was referred

S.F. No. 615: A bill for an act relating to human rights; providing for protection for disabled persons in employment; clarifying permissible absenteeism under the "reasonable accommodation" clause; extending the time frame from 45 to 90 days for bringing a civil action after a "no probable cause" determination; providing for the right to a jury trial; amending

Minnesota Statutes 1992, sections 363.01, subdivision 13; 363.02, subdivision 5; 363.03, subdivision 1; 363.14, subdivision 2; and 363.117.

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

Page 1, line 14, before "Disability" insert "(a)"

Page 1, line 19, before "With" insert:

"(b)"

Page 1, line 20, delete everything after the comma and insert "the following factors should be used in determining whether a person is materially limited in securing a job due to a physical or mental impairment:

- (1) the number and types of jobs from which the individual is disqualified;
- (2) geographic area to which the individual has reasonable access;
- (3) individual's own job expectations and training; and
- (4) criteria or qualifications in use generally."

Page 1, delete lines 21 and 22

Page 2, line 9, after "prove" insert "the existence of" and delete "not speculative or" and insert "of serious harm and that the risk cannot be eliminated or reduced below the level of a serious threat by reasonable accommodation"

Page 2, line 10, delete "remote"

Page 2, delete lines 16 to 19 and insert:

"It is not conclusive that the"

Page 5, line 28, delete "temporary"

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

Ms. Reichgott from the Committee on Judiciary, to which was referred

H.F. No. 846: A bill for an act relating to civil commitment; authorizing new procedures for return of certain patients who are absent from treatment facilities without authorization; amending Minnesota Statutes 1992, section 253B.23, subdivision 1a.

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 1504: A bill for an act relating to transportation; adopting federal motor carrier safety regulations; defining terms; making technical changes; allowing 45-foot buses to be operated in the state; exempting drivers of lightweight vehicles from driver qualification rules; requiring information on bills of lading and other motor carrier documents; imposing penalties;

amending Minnesota Statutes 1992, sections 168.011, subdivision 36; 168.1281, subdivision 3; 169.81, subdivision 2; 221.011, by adding subdivisions; 221.031, subdivisions 2, 2a, 2b, 3, 3a, 3b, 3c, 5, and 6; 221.0313, subdivision 1; 221.033, subdivisions 2 and 2a; 221.035, subdivision 2; 221.036, subdivisions 1 and 3; 221.172; 221.81, subdivision 3e; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Laws 1992, chapter 568, section 1; and 578, section 15.

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 1992, section 168.011, subdivision 36, is amended to read:

Subd. 36. [PERSONAL TRANSPORTATION SERVICE VEHICLE.] “Personal transportation service vehicle” is a passenger vehicle that has a seating capacity of up to six persons excluding the driver, or a van or station wagon with a seating capacity of up to 12 persons excluding the driver, that provides personal transportation service as defined in section 221.011, subdivision 33 34.

Sec. 2. Minnesota Statutes 1992, section 168.1281, subdivision 3, is amended to read:

Subd. 3. [NOTIFICATION OF CANCELLATION.] The commissioner shall immediately notify the commissioner of transportation if the policy of a person required to have a permit under section ~~221.094~~ 221.85 is canceled or no longer provides the coverage required by subdivision 2.

Sec. 3. Minnesota Statutes 1992, section 169.81, subdivision 2, is amended to read:

Subd. 2. [LENGTH OF SINGLE VEHICLE.] (a) No single unit motor vehicle, except mobile cranes which may not exceed 48 feet *and buses which may not exceed 45 feet*, unladen or with load may exceed a length of 40 feet extreme overall dimensions inclusive of front and rear bumpers, except that the governing body of a city is authorized by permit to provide for the maximum length of a motor vehicle, or combination of motor vehicles, or the number of vehicles that may be fastened together, and which may be operated upon the streets or highways of a city; provided, that the permit may not prescribe a length less than that permitted by state law. A motor vehicle operated in compliance with the permit on the streets or highways of the city is not in violation of this chapter.

(b) No single semitrailer may have an overall length, exclusive of non-cargo-carrying accessory equipment, including refrigeration units or air compressors, necessary for safe and efficient operation mounted or located on the end of the semitrailer adjacent to the truck or truck-tractor, in excess of 48 feet, except that a single semitrailer may have an overall length in excess of 48 feet but not greater than 53 feet if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 41 feet. No single trailer may have an overall length inclusive of tow bar assembly and exclusive of rear protective bumpers which do not increase the overall length by more than six inches, in excess of 45 feet. For determining compliance with the provisions of this subdivision, the length of the semitrailer or trailer

must be determined separately from the overall length of the combination of vehicles.

(c) No semitrailer or trailer used in a three-vehicle combination may have an overall length in excess of 28-1/2 feet, exclusive of:

(1) non-cargo-carrying accessory equipment, including refrigeration units or air compressors and upper coupler plates, necessary for safe and efficient operation, mounted or located on the end of the semitrailer or trailer adjacent to the truck or truck-tractor;

(2) the tow bar assembly; and

(3) lower coupler equipment that is a fixed part of the rear end of the first trailer.

The commissioner may not grant a permit authorizing the movement, in a three-vehicle combination, of a semitrailer or trailer that exceeds 28-1/2 feet, except that the commissioner may renew a permit that was granted before April 16, 1984, for the movement of a semitrailer or trailer that exceeds the length limitation in this paragraph.

Sec. 4. Minnesota Statutes 1992, section 221.011, is amended by adding a subdivision to read:

Subd. 42. [LIGHTWEIGHT VEHICLE.] "Lightweight vehicle" means a vehicle with a gross vehicle weight of 10,000 pounds or less, but does not include a vehicle transporting passengers for hire or a vehicle transporting hazardous materials that must be placarded or marked under Code of Federal Regulations, title 49, section 177.823.

Sec. 5. Minnesota Statutes 1992, section 221.011, is amended by adding a subdivision to read:

Subd. 43. [PETROLEUM TRANSPORT.] "Petroleum transport" means a vehicle, trailer, or semitrailer with a tank (1) that is mounted on it or made an integral part of it, other than the fuel supply tank for the engine of that vehicle, (2) that is filled or emptied while on the vehicle, and (3) that is used to transport petroleum products in bulk.

Sec. 6. Minnesota Statutes 1992, section 221.031, subdivision 1, is amended to read:

Subdivision 1. [POWERS, DUTIES, REPORTS, LIMITATIONS.] (a) This subdivision applies to motor carriers engaged in intrastate commerce.

(b) The commissioner shall prescribe rules for the operation of motor carriers, including their facilities; accounts; leasing of vehicles and drivers; service; safe operation of vehicles; equipment, parts, and accessories; hours of service of drivers; driver qualifications; accident reporting; identification of vehicles; installation of safety devices; inspection, repair, and maintenance; and proper automatic speed regulators if, in the opinion of the commissioner, there is a need for the rules.

(c) The commissioner shall direct the repair and reconstruction or replacement of an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations or shelters in a city in this state or at a point on the highway

traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property.

(d) The commissioner shall require the filing of annual and other reports including annual accounts of motor carriers, schedules of rates and charges, or other data by motor carriers, regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and prescribe other rules as may be necessary to carry out the provisions of this chapter.

(e) A motor carrier having gross revenues from for-hire transportation in a calendar year of less than ~~\$50,000~~ \$200,000 may, at the discretion of the commissioner, be exempted from the filing of an annual report, if instead of ~~filing the report~~ the motor carrier files an ~~affidavit~~ *abbreviated annual report*, in a form as may be prescribed by the commissioner, attesting that the motor carrier's gross revenues did not exceed ~~\$50,000~~ \$200,000 in the previous calendar year. Motor carrier gross revenues from for-hire transportation, for the purposes of this subdivision only, do not include gross revenues received from the operation of school buses as defined in section 169.01, subdivision 6.

(f) The commissioner shall enforce sections 169.781 to 169.783.

(g) The commissioner shall make no rules relating to the granting, limiting, or modifying of permits or certificates of convenience and necessity, which are powers granted to the board.

(h) The board may extend the termini of a route or alter or change the route of a regular route common carrier upon petition and after finding that public convenience and necessity require an extension, alteration, or change.

Sec. 7. Minnesota Statutes 1992, section 221.031, subdivision 2, is amended to read:

Subd. 2. [EXEMPTIONS FOR PRIVATE CARRIERS.] This subdivision applies to private carriers engaged in intrastate commerce.

(a) Private carriers operating vehicles with a gross vehicle weight of more than 10,000 pounds shall comply with rules adopted under this:

(1) section 221.0314, subdivisions 2 to 5, for driver qualifications;

(2) section 221.0314, subdivision 9, for hours of service of drivers; ~~safe operation~~

(3) section 221.0314, subdivision 6, for driving of motor vehicles; ~~equipment~~;

(4) section 221.0314, subdivision 7, for parts, and accessories necessary for safe operation;

(5) section 221.0314, subdivision 10, for inspection, repair, and maintenance; and

(6) ~~this section~~ for leasing of vehicles or vehicles and drivers; ~~and inspection, repair, and maintenance.~~

Private carriers not subject to the rules of the commissioner for driver qualifications on before August 1, 1992, must comply with those rules on and after August 1, 1994.

(b) The rules for hours of service of drivers do not apply to private carriers who are (1) public utilities as defined in section 216B.02, subdivision 4; (2) cooperative electric associations organized under chapter 308A; (3) telephone companies as defined in section 237.01, subdivision 2; or (4) engaged in the transportation of construction materials, tools and equipment from shop to job site or job site to job site, for use by the private carrier in the new construction, remodeling, or repair of buildings, structures or their appurtenances.

(c) The rules for driver qualifications and hours of service of drivers do not apply to vehicles controlled by a farmer and operated by a farmer or farm employee to transport agricultural products, farm machinery, or supplies to or from a farm if the vehicle is not used in the operations of a motor carrier and not carrying hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with section 221.033.

(d) The rules for driver qualifications do not apply to a driver employed by a private carrier while operating a lightweight vehicle.

Sec. 8. Minnesota Statutes 1992, section 221.031, subdivision 2a, is amended to read:

Subd. 2a. [AGRICULTURAL EXEMPTIONS.] (a) Notwithstanding the provisions of subdivision 2, private carriers engaged in intrastate commerce and operating vehicles transporting agricultural and other farm products within an area having a 50-mile radius from the business location of the private carrier must comply only with the ~~commissioner's~~ rules for driver qualifications; ~~safe operation driving of motor vehicles~~; and ~~equipment, parts, and accessories necessary for safe operation~~, except as provided in paragraphs (b) and (c).

(b) A rear-end dump truck or other rear-unloading truck while being used for hauling agricultural and other farm products from a place of production or on-farm storage site to a place of processing or storage, is not subject to any rule of the commissioner requiring rear-end protection, including a federal regulation adopted by reference.

(c) A private carrier operating a commercial motor vehicle as defined in section 169.781, subdivision 1, must comply with sections 169.781 to 169.783.

Sec. 9. Minnesota Statutes 1992, section 221.031, subdivision 2b, is amended to read:

Subd. 2b. [OTHER EXEMPTIONS.] From August 1, 1992, to August 1, 1994, the rules of ~~the commissioner~~ for hours of service ~~for~~ of drivers do not apply to a person exclusively engaged in the transportation of asphalt cement, cementitious material, fly ash, or sod, construction debris, and solid waste when transported by a transfer driver, when the transportation is provided within a radius of 100 miles from (1) the person's home post office, or (2) a highway construction or maintenance site where the asphalt cement, cementitious material, fly ash, or sod is being used.

Sec. 10. Minnesota Statutes 1992, section 221.031, subdivision 3, is amended to read:

Subd. 3. [VEHICLES OVER 10,000 POUNDS NOT EXEMPT.] (a) This subdivision applies to persons engaged in intrastate commerce who operate

vehicles providing transportation described in section 221.025 with a gross vehicle weight in excess of 10,000 pounds, except school buses, commuter vans, and authorized emergency vehicles.

(b) Persons providing transportation described in section 221.025, clause (f), (j), (l), or (m), must comply with the rules ~~of the commissioner~~ for ~~safe operation driving of motor vehicles and for equipment, parts, and accessories necessary for safe operation.~~

(c) Persons providing transportation described in section 221.025, except for persons providing transportation described in clause (f), (j), (l), or (m), must comply with the rules ~~of the commissioner~~ for ~~safe operation driving of motor vehicles; equipment, parts, and accessories necessary for safe operation;~~ and, after August 1, 1994, the rules ~~of the commissioner~~ for driver qualifications.

Sec. 11. Minnesota Statutes 1992, section 221.031, subdivision 3a, is amended to read:

Subd. 3a. [CONTRACTORS OR RECIPIENTS OF TRANSPORTATION ASSISTANCE.] Notwithstanding subdivision 3, providers of passenger transportation service under contract to and with operating assistance from the department or the regional transit board must comply with rules ~~of the commissioner~~ for driver qualifications; ~~safe operation driving of motor vehicles; equipment, parts, and accessories necessary for safe operation;~~ hours of service of drivers; inspection, repair, and maintenance; and ~~the rules adopted in section 221.0314, subdivision 8, for accident reporting.~~

This subdivision does not apply to (1) a local transit commission, (2) a transit authority created by the legislature, (3) special transportation service certified by the commissioner under section 174.30, or (4) special transportation service defined in section 174.29, subdivision 1, when provided by a volunteer driver operating a private passenger vehicle defined in section 169.01, subdivision 3a.

Sec. 12. Minnesota Statutes 1992, section 221.031, subdivision 3b, is amended to read:

Subd. 3b. [PASSENGER TRANSPORTATION; EXEMPTIONS.] (a) A person who transports passengers for hire in intrastate commerce, who is not made subject to the ~~commissioner's rules by any other provision of this adopted in section 221.0314 by any other provision of this section,~~ must comply with the ~~commissioner's rules on maximum~~ for hours of service ~~for of~~ drivers while transporting employees of an employer who is directly or indirectly paying the cost of the transportation.

(b) This subdivision does not apply to:

- (1) a local transit commission;
- (2) a transit authority created by law; or
- (3) persons providing transportation:

(i) in a school bus as defined in section 169.01, subdivision 6;

(ii) in a commuter van;

(iii) in an authorized emergency vehicle as defined in section 169.01, subdivision 5;

(iv) in special transportation service certified by the commissioner under section 174.30;

(v) that is special transportation service as defined in section 174.29, subdivision 1, when provided by a volunteer driver operating a private passenger vehicle as defined in section 169.01, subdivision 3a;

(vi) in a limousine the service of which is licensed by the commissioner under section 221.84; or

(vii) in a taxicab, if the fare for the transportation is determined by a meter inside the taxicab that measures the distance traveled and displays the fare accumulated.

Sec. 13. Minnesota Statutes 1992, section 221.031, subdivision 3c, is amended to read:

Subd. 3c. [SOLID WASTE TRANSPORTERS NOT EXEMPT.] Persons providing transportation described in section 221.025, clause (b), must comply with the rules of the commissioner for driver qualifications after August 1, 1994; hours of service of drivers; ~~safe operation driving of motor vehicles; equipment, parts, and accessories necessary for safe operation; and inspection, repair, and maintenance.~~ A local government unit, as defined in section 115A.03, subdivision 17, shall not enact or enforce laws, ordinances, or regulations for the operation of solid waste transporters that are inconsistent with the rules of the commissioner adopted in section 221.0314.

Sec. 14. Minnesota Statutes 1992, section 221.031, subdivision 5, is amended to read:

Subd. 5. [DEPARTMENT INVESTIGATES.] The department shall investigate the operation of carriers subject to the rules of the commissioner under this adopted in section 221.0314, their compliance with rules of the department and board and with the provisions of chapter 221, and may institute and prosecute actions and proceedings in the proper district court for enforcement of those rules.

Sec. 15. Minnesota Statutes 1992, section 221.031, subdivision 6, is amended to read:

Subd. 6. [VEHICLE IDENTIFICATION RULE.] (a) The following carriers shall display the carrier's name and address on the power unit of each vehicle:

- (1) motor carriers, regardless of the weight of the vehicle;
- (2) interstate and intrastate private carriers operating vehicles with a gross vehicle weight of more than 10,000 pounds or more; and
- (3) vehicles providing transportation described in section 221.025 with a gross vehicle weight of more than 10,000 pounds or more except those providing transportation described in section 221.025, clauses (a), (c), and (d).

Vehicles described in clauses (2) and (3) that are operated by farmers or farm employees and have four or fewer axles are not required to comply with the vehicle identification rule of the commissioner.

(b) Vehicles subject to this subdivision must show the name or "doing business as" name of the carrier operating the vehicle and the community and

abbreviation of the state in which the carrier maintains its principal office or in which the vehicle is customarily based. If the carrier operates a leased vehicle, it may show its name and the name of the lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person other than the operating carrier appears on the vehicle, the words "operated by" must immediately precede the name of the carrier.

(c) The name and address must be in letters that contrast sharply in color with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be maintained in a manner that retains the legibility of the markings. The name and address may be shown by use of a removable device if that device meets the identification and legibility requirements of this subdivision.

Sec. 16. Minnesota Statutes 1992, section 221.0313, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE; INTENT; EXEMPTION.] (a) The purpose of this section is to adopt federal regulations governing testing for controlled substances.

(b) The legislature intends that the adopted federal regulations be applied:

(1) to persons who provide intrastate transportation, who are subject to the rules of the commissioner adopted in section 221.0314, subdivisions 2 to 5, for driver qualifications, and who operate commercial motor vehicles, as defined in Code of Federal Regulations, title 49, section 391.85; and

(2) in the same manner that the federal regulations apply to interstate transportation.

(c) Intrastate carriers who are required to comply with the adopted federal regulations are exempt from the requirements of sections 181.950 to 181.957. This exemption applies only to the testing of drivers.

Sec. 17. [221.0314] [FEDERAL SAFETY REGULATIONS; ADOPTION.]

Subdivision 1. [APPLICABILITY.] (a) Intrastate motor carriers, private carriers, and persons providing intrastate transportation described in section 221.025, must comply with the rules incorporated in this section to the extent required by section 221.031. Every carrier and its officers, agents, representatives, and employees responsible for managing, maintaining, equipping, operating, or driving motor vehicles, or hiring, supervising, training, assigning, or dispatching drivers, must be instructed in and comply with the rules incorporated in this section and shall require that its agents, representatives, drivers, and employees comply.

(b) *In the rules incorporated in subdivisions 2 to 11:*

(1) *the term "motor carrier" means a carrier required to comply with this section by section 221.031;*

(2) *a reference to a federal agency or office means the Minnesota department of transportation; and*

(3) *a reference to a federal administrative officer means the commissioner of the Minnesota department of transportation.*

Subd. 2. [QUALIFICATIONS OF DRIVERS.] Code of Federal Regulations, title 49, part 391 and appendixes C, D, and E, are incorporated by reference except for sections 391.1; 391.2; 391.11, paragraph (b)(1); 391.47; 391.49, paragraphs (b) to (1); 391.51, paragraphs (f) and (g); 391.67; 391.69; 391.71; and those sections incorporated in section 221.0313, subdivision 4. In addition, the cross references to Code of Federal Regulations, title 49, section 391.62, 391.67, or 391.71 or to part 391, subpart G, found in Code of Federal Regulations, title 49, sections 391.11, paragraphs (a) and (b); 391.21, paragraph (a); 391.23, paragraph (a); 391.25; 391.27, paragraph (a); 391.31, paragraph (a); 391.35, paragraph (a); 391.41, paragraph (a); and 391.45, are not incorporated by reference.

Subd. 3. [WAIVER FOR PHYSICAL DEFECTS.] A person who is not physically qualified to drive under subdivision 2, but who meets the other qualifications under subdivision 2, may drive a motor vehicle if the commissioner grants a waiver to that person. The commissioner may grant a waiver to a person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(1) or (b)(2), according to rules adopted under section 221.031. The commissioner may grant a waiver to a person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(3) to (b)(13) for medical conditions for which waiver programs have been established by the United States Department of Transportation. The commissioner shall require the same information and follow the same procedure as the United States Department of Transportation in granting the waivers.

Subd. 4. [AGE REQUIREMENT FOR DRIVERS.] Drivers of vehicles engaged in intrastate transportation and subject to subdivision 2 must be at least 18 years of age. Drivers of vehicles subject to section 221.033, must be at least 21 years of age, except as provided in that section.

Subd. 5. [LOCATION OF DRIVER QUALIFICATION FILES.] A carrier subject to subdivision 2 must keep each driver's qualification file at the carrier's principal place of business for as long as a driver is employed by that carrier and for three years after the driver leaves employment. Upon written request to and with the written approval of the commissioner, a carrier may retain driver qualification files at a regional or terminal office.

Subd. 6. [DRIVING OF MOTOR VEHICLES.] Code of Federal Regulations, title 49, part 392, is incorporated by reference, except that sections 392.1, 392.2, and 392.30, paragraph (a), of that part, are not incorporated.

Subd. 7. [PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION.] Code of Federal Regulations, title 49, part 393, is incorporated by reference, except that sections 393.1, 393.3, and 393.5 of that part are not incorporated. In addition, despite the first paragraph of Code of Federal Regulations, title 49, section 393.95, a lightweight vehicle must carry a fire extinguisher meeting the requirements in Code of Federal Regulations, title 49, section 393.95.

Subd. 8. [ACCIDENTS BY CARRIERS.] The definitions of "accident," "disabling damage," and "fatality" in Code of Federal Regulations, title 49, sections 390.5 and 390.15, are incorporated by reference.

Subd. 9. [HOURS OF SERVICE OF DRIVERS.] Code of Federal Regulations, title 49, part 395, is incorporated by reference, except that sections 395.3, paragraphs (d) to (f); 395.8, paragraphs (k)(2) and (l)(2); and

395.13, of that part are not incorporated. In addition, the cross reference to paragraph (e) in Code of Federal Regulations, title 49, section 395.3, paragraph (a), is not incorporated by reference. The requirements of Code of Federal Regulations, title 49, sections 395.3, paragraphs (a) and (b); and 395.8, paragraphs (a) to (k), do not apply to lightweight vehicles.

Subd. 10. [INSPECTION, REPAIR, AND MAINTENANCE.] Code of Federal Regulations, title 49, part 396, is incorporated by reference, except that sections 396.1, 396.9, and 396.17 to 396.25 of that part are not incorporated.

Subd. 11. [TRANSPORTING HAZARDOUS MATERIALS; DRIVING AND PARKING.] A person who transports hazardous materials shall comply with this section and rules adopted under section 221.031 when that person is transporting a hazardous material, hazardous waste, or hazardous substance that must be marked or placarded in accordance with Code of Federal Regulations, title 49, section 172.504, incorporated by reference in section 221.033. Code of Federal Regulations, title 49, part 397, is incorporated by reference, except that sections 397.1 to 397.3 of that part are not incorporated. A petroleum transport driver shall not park on a public street adjacent to a bridge, tunnel, dwelling, building, or place where persons work, congregate, or assemble, except when necessary to unload.

Sec. 18. Minnesota Statutes 1992, section 221.033, subdivision 2, is amended to read:

Subd. 2. [EXEMPTION FOR FARMERS.] (a) This subdivision applies to persons engaged in intrastate commerce.

(b) Farmers or their employees transporting diesel fuel, gasoline, agricultural chemicals, or agricultural fertilizers for use on the transporter's farm are not required to comply with the rules adopted in section 221.0314, subdivisions 2 to 5, for driver ~~qualification rules of the commissioner~~ qualifications or with the shipping paper requirements of the Code of Federal Regulations, title 49, sections 172.200 and 177.817 or with section 397.7(B) or 397.9(A) of the Federal Motor Carrier Safety Regulations when:

(1) transporting diesel fuel or gasoline in motorized tank truck vehicles of less than 1,500-gallon capacity owned by the transporter, or in tanks securely mounted in other motor vehicles with a gross vehicle weight of less than 10,000 pounds and owned by the transporter; or

(2) transporting agricultural chemicals and agricultural fertilizers.

Sec. 19. Minnesota Statutes 1992, section 221.033, subdivision 2a, is amended to read:

Subd. 2a. [AGRICULTURALLY RELATED EXEMPTION.] (a) This subdivision applies to persons engaged in intrastate commerce.

(b) Fertilizer and agricultural chemical retailers or their employees are exempt from the rule of ~~the commissioner~~ in section 221.0314, subdivision 4, requiring that drivers must be at least 21 years of age when:

(1) the retailer or its employee is transporting fertilizer or agricultural chemicals directly to a farm for on-farm use within a radius of 50 miles of the retailer's business location; and

(2) the driver employed by the retailer is at least 18 years of age.

(c) A fertilizer or agricultural chemical retailer, or a driver employed by a fertilizer or agricultural chemical retailer, is exempt from the rule of the commissioner adopting in Code of Federal Regulations, title 49, section 395.3, paragraph (b), relating to hours of service of drivers, and section 395.8, requiring a driver's record of duty status, while exclusively engaged in the transportation of fertilizer or agricultural chemicals between April 1 and July 1 of each year when:

(1) the transportation is from the retailer's place of business directly to a farm within a 50-mile radius of the retailer's place of business;

(2) the fertilizer or agricultural chemicals are for use on the farm to which they are transported; and

(3) the employer maintains a daily record for each driver showing the time a driver reports for duty, the total number of hours a driver is on duty, and the time a driver is released from duty.

Sec. 20. Minnesota Statutes 1992, section 221.035, subdivision 2, is amended to read:

Subd. 2. [OPERATION REQUIREMENTS.] A vehicle operated under a license issued under this section must be operated in compliance with the rules of the commissioner adopted under this chapter governing in section 221.0314: (1) subdivisions 2 to 5 for driver qualifications; safe operation (2) subdivision 6 for driving of motor vehicles; equipment; (3) subdivision 7 for parts; and accessories necessary for safe operation; (4) subdivision 10 for inspection, repair, and maintenance; and (5) subdivision 9 for hours of service of drivers.

Sec. 21. Minnesota Statutes 1992, section 221.036, subdivision 1, is amended to read:

Subdivision 1. [ORDERS.] The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for a violation of (1) section 221.021; (2) section 221.041, subdivision 3; (3) section 221.081; (4) section 221.151; (5) section 221.171; (6) section 221.141; (7) section 221.035, a material term or condition of a license issued under that section; or a rule or order rules of the board or commissioner relating to the transportation of hazardous waste, motor carrier operations, insurance, or tariffs and accounting. An order must be issued as provided in this section.

Sec. 22. Minnesota Statutes 1992, section 221.036, subdivision 3, is amended to read:

Subd. 3. [AMOUNT OF PENALTY; CONSIDERATIONS.] (a) The commissioner may issue an order assessing a penalty of up to \$5,000 for all violations of section 221.021; 221.041, subdivision 3; 221.081; 221.141; 221.151; or 221.171, or rules of the board or commissioner relating to motor carrier operations, insurance, or tariffs and accounting, identified during a single inspection, audit, or investigation.

(b) The commissioner may issue an order assessing a penalty up to a maximum of \$10,000 for all violations of section 221.035, and rules adopted under that section, identified during a single inspection or audit.

(c) In determining the amount of a penalty, the commissioner shall consider:

- (1) the willfulness of the violation;
- (2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;
- (3) the history of past violations, including the similarity of the most recent violation and the violation to be penalized, the time elapsed since the last violation, the number of previous violations, and the response of the person to the most recent violation identified;
- (4) the economic benefit gained by the person by allowing or committing the violation; and
- (5) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

Sec. 23. Minnesota Statutes 1992, section 221.172, is amended to read:

221.172 [SHIPPING DOCUMENTS.]

Subdivision 1. [HAZARDOUS MATERIAL BILL OF LADING.] A person who transports a hazardous material by motor vehicle shall conform to the requirements of Code of Federal Regulations, title 49, with respect to shipping documents.

Subd. 2. [HAZARDOUS WASTE MANIFEST.] A person who transports a hazardous waste by motor vehicle shall carry in the vehicle a hazardous waste manifest which conforms to the requirements of Minnesota Rules, chapter 7045.

Subd. 3. [CLASS I, CLASS II, AND TEMPERATURE-CONTROLLED COMMODITIES CARRIERS; HOUSEHOLD GOODS MOVERS.] A class I carrier, class II carrier, household goods mover, and a holder of a temperature-controlled commodities permit shall keep a record of each shipment transported under a certificate or permit. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together. A record must show the:

- (1) names of the consignor and consignee;
- (2) date of shipment;
- (3) origin and destination points;
- (4) number of packages, if applicable to the rating of the freight or if the carrier's operating authority includes a package or article restriction, unless the shipment is transported by a household goods mover;
- (5) description of the freight;
- (6) weight, volume, or measurement of the freight, if applicable to the rating of the freight or if the carrier's operating authority includes a weight restriction;
- (7) exact rate or rates assessed;
- (8) total charges due, including the nature and amount of any charges for special service;

(9) terminal through which the shipment moved, if any; and

(10) if the shipment is transported by a class I carrier, route of movement and name of each carrier participating in the transportation.

Subd. 4. [TRUCKLOAD RECORD.] In addition to the items listed in subdivision 3, if the transportation is provided under a class II-T permit or is a shipment of truckload freight, a record must include the word "truckload" or must prominently display the letters "II-T" and must show the name of the driver or drivers who transported the shipment, the pickup and delivery times, and the license plate number or unit number of the power unit and trailer used to transport the shipment.

Subd. 5. [TEMPERATURE-CONTROLLED COMMODITIES CARRIER.] In addition to the items listed in subdivision 3, if the transportation is provided under a temperature-controlled commodities permit, a record must include the words "temperature-controlled commodities" or must prominently display the letters "TCC" and must give a brief statement of the reasons for protecting the commodity from heat or cold.

Subd. 6. [COURIER SERVICES CARRIER.] (a) A courier services carrier shall keep a record of each shipment transported. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together. A record must show the:

- (1) names of the consignor and consignee;
- (2) date of shipment;
- (3) origin and destination points;
- (4) number of packages;
- (5) weight, volume, or measurement of the freight, if applicable to the rating of the freight;
- (6) exact rate or rates assessed; and
- (7) total charges due, including the nature and amount of any charges for special service.

(b) In addition to the items listed in paragraph (a), if the transportation is expedited delivery, a record also must show the:

- (1) license plate number or unit number of the vehicle used to transport the shipment;
- (2) time of the shipper's initial request for service; and
- (3) pickup and delivery times.

(c) In addition to the items listed in paragraph (a), if the transportation is overnight small package delivery, a record also must show the:

- (1) license plate number or unit number of the vehicle used to transport the shipment at the point of delivery; and
- (2) weight of each package or article of a shipment.

Subd. 7. [CONTRACT CARRIER.] A contract carrier shall keep a record of each shipment transported. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together. A record must show the:

- (1) names of the consignor and consignee;*
- (2) date of shipment;*
- (3) origin and destination points;*
- (4) description of freight;*
- (5) weight, volume, or measurement of the freight, if applicable to the rating of the freight or if the contract carrier's operating authority includes a weight restriction;*
- (6) exact rate or rates assessed; and*
- (7) total charges due, including the nature and amount of any charges for special service.*

Subd. 8. [LOCAL CARTAGE CARRIER.] A local cartage carrier shall keep a record of each shipment transported. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together. A record must show the:

- (1) date of shipment;*
- (2) origin and destination points; and*
- (3) terminal through which the shipment moved, if any.*

Subd. 9. [CHARTER TRANSPORTATION.] A charter carrier and a regular route common carrier with incidental charter operating authority shall keep a record of each charter it provides under a charter carrier permit or a certificate. A charter record may consist of one or more documents. If it consists of more than one document, the documents constituting a charter record must be available for inspection together. A charter record must show the:

- (1) name of the carrier;*
- (2) names of the payor and organization, if any, for which the transportation is performed;*
- (3) date or dates the transportation was performed;*
- (4) origin, destination, and general routing of the trip;*
- (5) identification and seating capacity of each vehicle requested or used;*
- (6) number of persons transported;*
- (7) mileage upon which charges are based, including any deadhead mileage, separately noted;*
- (8) applicable rates per mile, hour, day, or other unit;*

(9) itemized charges for the transportation, including special services and fees; and

(10) total charges assessed and collected.

A charter carrier must use the same method of computing its rates in billing for charter services as that shown in its tariff on file with the commissioner.

Subd. 10. [RETAINED THREE YEARS.] A shipping document or record described in ~~subdivision~~ subdivisions 2 to 9, or a copy of it, must be retained by the carrier for at least three years from the date on the shipping document or record. A carrier may keep a shipping record described in subdivisions 3 to 9 by any technology that prevents the alteration, modification, or erasure of the underlying data and will enable production of an accurate and unaltered paper copy. A carrier shall keep a shipping record in a manner that will make it readily accessible and shall have a means of identifying and producing a legible paper copy for inspection by the commissioner upon request.

Sec. 24. [221.602] [INTERSTATE CARRIER REGISTRATION.]

Subdivision 1. [PROCEDURE; NONEXEMPT CARRIERS.] A motor carrier subject to the jurisdiction of the Interstate Commerce Commission under United States Code, title 49, chapter 105, subchapter II, with its principal place of business in Minnesota or that designates Minnesota as its base state, may transport persons or property for hire in Minnesota only if it first complies with the insurance and registration regulations adopted by the Interstate Commerce Commission under United States Code, title 49, section 11506. The registration fee is \$5; however, a lesser fee may be collected pursuant to a reciprocal agreement authorized by section 221.65. A motor carrier shall pay a service charge of 45 cents for each registration receipt issued in addition to the fee required by this subdivision.

Subd. 2. [PROCEDURE; EXEMPT CARRIERS.] (a) A motor carrier that is exempt from the jurisdiction of the Interstate Commerce Commission under the Interstate Commerce Act, United States Code, title 49, may transport persons or property for hire in interstate commerce in Minnesota only if it first:

(1) complies with section 221.141;

(2) registers and describes the transportation it performs under an exemption contained in the Interstate Commerce Act, United States Code, title 49; and

(3) pays the fee required in subdivision 1.

(b) A motor carrier that complies with subdivision 1 is not also required to comply with this subdivision.

Subd. 3. [REGISTRATION PERIOD.] The registration period is that provided by the Interstate Commerce Commission in rules adopted under United States Code, title 49, section 11506.

Subd. 4. [RECEIPT.] On compliance with subdivision 1 or 2, the commissioner shall issue a receipt showing that the motor carrier has complied with the regulations applicable to it. Proof of registration must be kept in each of the carrier's vehicles.

Sec. 25. Minnesota Statutes 1992, section 221.81, subdivision 3e, is amended to read:

Subd. 3e. [SAFETY RULES.] (a) A building mover must comply with the rules of the commissioner adopted in section 221.0314: (1) subdivision 6 for safe operation driving of motor vehicles; ~~equipment~~; (2) subdivision 7 for parts, and accessories necessary for the safe operation, except as provided in paragraph (b); (3) subdivision 10 for inspection, repair, and maintenance; (4) subdivision 8 for accident reporting; and, (5) on and after August 1, 1994, subdivisions 2 to 5 for driver qualifications.

(b) A towed vehicle, other than a full trailer, pole trailer, or semitrailer, as those terms are defined in Code of Federal Regulations, title 49, section 390.5, used by a building mover to move a building on a highway is not required to comply with rules of the commissioner for equipment, parts, and accessories necessary for safe operation.

Sec. 26. [REPEALER.]

Laws 1992, chapters 568, section 1; and 578, section 15, are repealed.

Sec. 27. [EFFECTIVE DATE.]

Sections 4 to 14, 17 to 22, and 24 to 26, are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to transportation; adopting federal motor carrier safety regulations; allowing small motor carriers to file abbreviated annual reports; providing for registration of interstate motor carriers; defining terms; allowing 45-foot buses to be operated in the state; exempting drivers of lightweight vehicles from driver qualification rules; requiring information on shipping documents and other motor carrier records; making technical changes; imposing penalties; amending Minnesota Statutes 1992, sections 168.011, subdivision 36; 168.1281, subdivision 3; 169.81, subdivision 2; 221.011, by adding subdivisions; 221.031, subdivisions 1, 2, 2a, 2b, 3, 3a, 3b, 3c, 5, and 6; 221.0313, subdivision 1; 221.033, subdivisions 2 and 2a; 221.035, subdivision 2; 221.036, subdivisions 1 and 3; 221.172; 221.81, subdivision 3e; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Laws 1992, chapters 568, section 1; and 578, section 15."

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 1251: A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; fixing and limiting accounts and fees; amending Minnesota Statutes 1992, sections

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

Delete everything after the enacting clause and insert:

“Section 1. [TRANSPORTATION AND OTHER AGENCIES; APPROPRIATIONS.]

The sums shown in the columns marked “APPROPRIATIONS” are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures “1993,” “1994,” and “1995,” where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1993, June 30, 1994, or June 30, 1995, respectively.

SUMMARY BY FUND

	1993	1994	1995	TOTAL
General		\$ 6,196,000	\$ 6,096,000	\$ 12,292,000
Airports	\$385,000	15,684,000	15,681,000	31,750,000
Transit Assistance		65,700,000	67,100,000	132,800,000
C.S.A.H.		282,090,000	286,990,000	569,080,000
Environmental		200,000	200,000	400,000
Highway User		11,551,000	11,458,000	23,009,000
M.S.A.S.		82,190,000	83,390,000	165,580,000
Special Revenue		792,000	792,000	1,584,000
Trunk Highway		819,154,000	833,053,000	1,652,207,000
Transfers to Other				
Direct		(2,398,000)	(2,346,000)	(4,744,000)
TOTAL	\$385,000	1,281,159,000	1,302,414,000	2,583,958,000

APPROPRIATIONS
Available for the Year
Ending June 30
1994 1995

Sec. 2. TRANSPORTATION

Subdivision 1. Total Appropriation

385,000 1,151,146,000 1,172,345,000

The appropriations in this section are from the trunk highway fund, except when another fund is named.

Summary by Fund

General	394,000	394,000
Airports	\$385,000 15,684,000	15,681,000
Transit Assistance	16,100,000	16,440,000
C.S.A.H.	282,090,000	286,990,000
Environmental	200,000	200,000
M.S.A.S.	82,190,000	83,390,000
Trunk Highway	754,488,000	769,250,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Aeronautics 15,492,000 15,487,000

This appropriation is from the state airports fund.

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Airport Development and Assistance

1993	1994	1995
385,000	11,005,000	10,841,000

\$1,887,000 the first year and \$2,146,000 the second year are for navigational aids.

\$6,810,000 the first year and \$6,387,000 the second year are for airport construction grants.

\$2,100,000 the first year and \$2,100,000 the second year are for airport maintenance grants.

If the appropriation for either year for navigational aids, airport construction grants, or airport maintenance grants is insufficient, the appropriation for the other year is available for it. The appropriations for construction grants and maintenance grants must be expended only for grant-in-aid programs for airports that are not state owned.

These appropriations must be expended in accordance with Minnesota Statutes, section 360.305, subdivision 4.

The commissioner of transportation may transfer unencumbered balances among the appropriations for airport development and assistance with the approval of the governor after consultation with the legislative advisory commission.

\$8,000 the first year and \$8,000 the second year are for maintenance of the Pine Creek Airport.

\$200,000 the first year and \$200,000 the second year are for air service grants.

(b) Civil Air Patrol

65,000	65,000
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(c) Aeronautics Administration

4,422,000	4,581,000
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\$15,000 the first year and \$15,000 the second year are for the advisory council on metropolitan airport planning. The commissioner of transportation shall transfer these funds to the legislative coordinating commission by July 15 of each year.

(d) 1993 Deficiency Appropriation

\$385,000 is appropriated from the state airports fund, to be used in conjunction with funds provided by the Canadian government for airport construction at the Piney-Pine Creek Border Airport, and is available until the project is either completed or abandoned.

Subd. 3. Transit	16,398,000	16,740,000
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Summary by Fund

Transit Assistance	16,100,000	16,440,000
Trunk Highway	298,000	300,000

Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Greater Minnesota Transit Assistance

15,640,000	15,985,000
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This appropriation is from the transit assistance fund.

(b) Transit Administration

758,000	755,000
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Summary by Fund

Transit Assistance	460,000	455,000
Trunk Highway	298,000	300,000

Subd. 4. Railroads and Waterways

1,134,000	1,134,000
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Summary by Fund

General	241,000	241,000
Trunk Highway	893,000	893,000

Subd. 5. Motor Carrier Regulation

2,177,000 2,177,000

Summary by Fund

General	107,000	107,000
Trunk Highway	2,070,000	2,070,000

Subd. 6. Local Roads

365,350,000 371,450,000

Summary by Fund

C.S.A.H.	282,090,000	286,990,000
M.S.A.S.	82,190,000	83,390,000
Trunk Highway	1,070,000	1,070,000

The amounts that may be spent from this appropriation for each activity are as follows:

(a) County State Aids

282,090,000 286,990,000

This appropriation is from the county state-aid highway fund and is available until spent.

(b) Municipal State Aids

82,190,000 83,390,000

This appropriation is from the municipal state-aid street fund and is available until spent.

If an appropriation for either county state aids or municipal state aids does not exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance, upon request of the commissioner of transportation, shall notify the committee on finance of the senate and the committee on ways and means of the house of representatives of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purposes of county state aids or municipal state aids, as appropriate.

(c) State Aid Technical Assistance

1,070,000 1,070,000

Subd. 7. State Road Construction

420,261,000 429,235,000

Summary by Fund

Environmental	200,000	200,000
Trunk Highway	420,061,000	429,035,000

The amounts that may be spent from this appropriation for each activity are as follows:

(a) State Road Construction

397,595,000	403,763,000
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Summary by Fund

Environmental	200,000	200,000
Trunk Highway	397,395,000	403,563,000

It is estimated that the appropriation from the trunk highway fund will be funded as follows:

Federal Highway Aid

185,000,000	185,000,000
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Highway User Taxes

212,395,000	218,563,000
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The commissioner of transportation shall notify the chair of the committee on finance of the senate and chair of the committee on ways and means of the house of representatives promptly of any events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways. This includes the cost of actual payment to landowners for lands acquired for highway right-of-way, payment to lessees, interest subsidies, and relocation expenses.

(b) Highway Debt Service

14,380,000	17,186,000
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\$14,380,000 the first year and \$12,486,000 the second year are for transfer to the state bond fund.

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on finance of the senate and the committee on ways and means of the house of

representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation.

Any excess appropriation must be canceled to the trunk highway fund.

(c) Highway Program Administration

2,042,000 2,042,000

\$243,000 the first year and \$243,000 the second year are available for grants to regional development commissions outside the seven-county metropolitan area for transportation studies to identify critical concerns, problems, and issues.

\$180,000 the first year and \$180,000 the second year are available for grants to metropolitan planning organizations outside the seven-county metropolitan area.

(d) Transportation Data Analysis

3,279,000 3,279,000

(e) Research and Strategic Initiatives

2,965,000 2,965,000

\$75,000 the first year and \$75,000 the second year are for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 8. Highway Program Delivery 121,923,000 123,368,000

(a) Design Engineering

53,293,000 54,038,000

(b) Construction Engineering

68,630,000 69,330,000

Subd. 9. State Road Operations 167,554,000 171,941,000

(a) State Road Operations

157,994,000 162,381,000

(b) Electronic Communications

3,339,000 3,339,000

(c) Traffic Engineering

6,221,000 6,221,000

Subd. 10. Equipment	15,493,000	15,493,000
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Summary by Fund

General	5,000	5,000
Airports	59,000	59,000
Trunk Highway	15,429,000	15,429,000

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 11. General Administration	25,364,000	25,320,000
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Summary by Fund

General	41,000	41,000
Airports	133,000	135,000
Trunk Highway	25,190,000	25,144,000

The amounts that may be spent from this appropriation for each activity are as follows:

(a) General Management

15,022,000	15,022,000
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(b) General Services

8,718,000	8,672,000
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Summary by Fund

General	41,000	41,000
Airports	75,000	75,000
Trunk Highway	8,602,000	8,556,000

\$2,045,000 the first year and \$2,045,000 the second year are for data processing development. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

The commissioner of transportation shall manage the department of transportation in such a manner as to provide seasonal employees of the department with the maximum feasible amount of employment security consistent with the efficient delivery of department programs.

(c) Legal Services

1,566,000	1,566,000
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This appropriation is for the purchase of legal services from or through the attorney general.

(d) Air Transportation Services

58,000 60,000

This appropriation is from the state airports fund.

Subd. 12. Transfers

The commissioner of transportation with the approval of the commissioner of finance may transfer unencumbered balances among the appropriations from the trunk highway fund and the state airports fund made in this section. No transfer may be made from the appropriation for trunk highway development. No transfer may be made from the appropriations for debt service to any other appropriation. Transfers may not be made between funds. Transfers must be reported immediately to the committee on finance of the senate and the committee on ways and means of the house of representatives.

Subd. 13. Contingent Appropriation

The commissioner of transportation, with the approval of the governor after consultation with the legislative advisory commission, may transfer all or part of the unappropriated balance in the trunk highway fund to an appropriation for trunk highway design, construction, or inspection in order to take advantage of an unanticipated receipt of income to the trunk highway fund, or to trunk highway maintenance in order to meet an emergency, or to pay tort or environmental claims. The amount transferred is appropriated for the purpose of the account to which it is transferred.

Sec. 3. REGIONAL TRANSIT BOARD

49,600,000 50,660,000

Of this amount, \$20,850,000 the first year and \$22,850,000 the second year are for the metropolitan transit commission. The regional transit board must not reduce this appropriation to the metropolitan transit commission.

\$13,800,000 the first year and \$15,500,000 the second year are for Metro Mobility. The regional transit board must not spend any money for metro mobility outside this appropriation.

The appropriations in this section are from the transit assistance fund.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Sec. 4. TRANSPORTATION REGULATION BOARD

705,000

707,000

This appropriation is from the trunk highway fund.

Sec. 5. PUBLIC SAFETY

Subdivision 1. Total Appropriation

78,716,000

77,710,000

Summary by Fund

General	5,802,000	5,702,000
Highway User	11,426,000	11,333,000
Special Revenue	792,000	792,000
Trunk Highway	63,094,000	62,229,000
Transfers to Other		
Direct	(2,398,000)	(2,346,000)

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Administration and Related Services

4,640,000

4,473,000

Summary by Fund

General	552,000	522,000
Highway User	19,000	19,000
Trunk Highway	4,069,000	3,932,000

\$326,000 the first year and \$326,000 the second year are for payment of public safety officer survivor benefits under Minnesota Statutes, section 299A.44. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 3. State Patrol

43,437,000

42,220,000

Summary by Fund

General	389,000	389,000
Highway User	90,000	90,000
Trunk Highway	42,958,000	41,741,000

During the biennium ending June 30, 1995, no more than five positions, excluding the chief patrol officer, in the state patrol support activity may be filled by state troopers.

During the biennium ending June 30, 1995, the commissioner may purchase other motor fuel when gasohol is not available for the operation of state patrol vehicles.

Subd. 4. Driver and Vehicle Services

29,680,000 30,058,000

Summary by Fund

General	3,567,000	3,534,000
Highway User	10,152,000	10,074,000
Trunk Highway	15,905,000	16,394,000
Special Revenue	56,000	56,000

This appropriation is from the bicycle transportation account in the special revenue fund.

\$43,000 the first year and \$43,000 the second year are transferred to the commissioner of human services for reimbursement for chemical use assessments of juveniles under Minnesota Statutes, section 260.151.

Subd. 5. Traffic Safety

223,000 223,000

Summary by Fund

General	61,000	61,000
Trunk Highway	162,000	162,000

Subd. 6. Pipeline Safety

736,000 736,000

This appropriation is from the pipeline safety account in the special revenue fund.

Subd. 7. Transfers

The commissioner of public safety with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular

purpose among the programs within a fund. Transfers must be reported immediately to the committee on finance of the senate and the committee on ways and means of the house of representatives.

Subd. 8. Reimbursements

(a) \$1,233,000 the first year and \$1,196,000 the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1994, and January 1, 1995, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for general fund purposes in the administration and related services program.

(b) \$449,000 the first year and \$434,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1994, and January 1, 1995, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for highway user fund purposes in the administration and related services program.

(c) \$716,000 the first year and \$716,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the general fund on January 1, 1994, and January 1, 1995, respectively, in order to reimburse the general fund for expenses not related to the fund. These represent amounts appropriated out of the general fund for operation of the criminal justice data network related to driver and motor vehicle licensing.

Sec. 6. MINNESOTA SAFETY COUNCIL	67,000	67,000
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This appropriation is from the trunk highway fund.

Sec. 7. GENERAL CONTINGENT ACCOUNTS	325,000	325,000
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The appropriations in this section may only be spent with the approval of the governor after consultation with the leg-

islative advisory commission pursuant to Minnesota Statutes, section 3.30.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Summary by Fund

Trunk Highway Fund

200,000 200,000

Highway User Tax Distribution Fund

125,000 125,000

Sec. 8. TORT CLAIMS 600,000 600,000

To be spent by the commissioner of finance.

This appropriation is from the trunk highway fund.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 9. Minnesota Statutes 1992, section 11A.21, subdivision 1, is amended to read:

Subdivision 1. [CERTIFICATION OF HIGHWAY FUNDS.] The commissioner of transportation shall certify to the state board those portions of the highway user tax distribution fund established pursuant to article XIV, section 5 of the Constitution of the state of Minnesota; the trunk highway fund established pursuant to article XIV, section 6 of the Constitution of the state of Minnesota; the county state-aid highway fund established pursuant to article XIV, section 7 of the Constitution of the state of Minnesota; and the municipal state-aid street fund established pursuant to article XIV, section 8 of the Constitution of the state of Minnesota, which in the judgment of the commissioner are not required for immediate use.

Sec. 10. Minnesota Statutes 1992, section 161.081, is amended to read:

161.081 [HIGHWAY USER TAX, DISTRIBUTION OF PORTION OF PROCEEDS, INVESTMENT.]

Subdivision 1. [DISTRIBUTION OF FIVE PERCENT.] Pursuant to article 14, section 5, of the constitution, five percent of the net highway user tax distribution fund is set aside, and apportioned as follows:

(1) 28 percent to the trunk highway fund;

(2) 64 percent to a separate account in the county state-aid highway fund to be known as the county turnback account, which account in the state treasury is hereby created;

(3) 8 percent to a separate account in the municipal state-aid street fund to be known as the municipal turnback account, which account in the state treasury is hereby created.

Subd. 2. [INVESTMENT.] Upon the request of the commissioner, money in the highway user tax distribution fund shall be invested by the state board of investment in those securities authorized for that purpose in section 11A.21. All interest and profits from the investments must be credited to the highway user tax distribution fund. The state treasurer shall be the custodian of all securities purchased under this section.

Sec. 11. [161.087] [HIGHWAY PURPOSES.]

Revenues in the trunk highway fund derived from the increase in the motor fuel excise, tax rate under sections 28 and 29 may be expended for trunk highway projects that include supplemental facilities to public transit such as high-occupancy vehicle lanes, park-and-ride facilities, and parking garages, that are designed to:

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

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

(3) relieve congestion and expedite travel;

(4) conserve energy; and

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

Such use is deemed to be for a trunk highway purpose.

Sec. 12. Minnesota Statutes 1992, section 161.39, is amended by adding a subdivision to read:

Subd. 5b. [REIMBURSEMENT FOR SERVICES.] The office of electronic communication in the department of transportation may perform work for other state agencies and, to the extent that these services are performed beyond the level for which money was appropriated, may deposit revenue generated from this source as dedicated receipts to the account from which it was spent.

Sec. 13. Minnesota Statutes 1992, section 162.02, subdivision 7, is amended to read:

Subd. 7. [ESTABLISHMENT IN NEW LOCATION OR OVER ESTABLISHED ROADS.] The county board of any county may establish and locate any county state-aid highway on new location where there is no existing road, or it may establish and locate the highway upon or over any established road or street or a specified portion thereof within its limits; ~~provided, that. Except as provided in subdivision 8a,~~ no county state-aid highway shall be established or located within the corporate limits of any city without the approval of the governing body of the city, except that when a county state-aid highway is relocated the approval of the plans by the governing body shall be deemed to be a transfer of the previous location of the highway to the jurisdiction of the city. The approval shall be in the manner and form required by the commissioner.

Sec. 14. Minnesota Statutes 1992, section 162.02, subdivision 8, is amended to read:

Subd. 8. [APPROVAL BY CITY.] *Except as provided in subdivision 8a,* no portion of the county state-aid highway system lying within the corporate

limits of any city shall be constructed, reconstructed, or improved nor the grade thereof changed without the prior approval of the plans by the governing body of such city and the approval shall be in the manner and form required by the commissioner.

Sec. 15. Minnesota Statutes 1992, section 162.02, is amended by adding a subdivision to read:

Subd. 8a. [DISPUTE RESOLUTION BOARD.] If a city has failed to approve establishment, construction, reconstruction, or improvement of a county state-aid highway within its corporate limits under subdivision 7 or 8, the county board may, by resolution, request the commissioner to appoint a dispute resolution board consisting of one county commissioner, one county engineer, one city council member or city mayor, one city engineer, and one representative of the department of transportation. The board shall review the proposed change and make a recommendation to the commissioner. Notwithstanding any other law, the commissioner may approve the establishment, construction, reconstruction, or improvement of a county state-aid highway recommended by the board.

Sec. 16. Minnesota Statutes 1992, section 162.07, subdivision 1, is amended to read:

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

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

(2) An amount equal to ~~ten~~ 20 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its motor vehicle registration for the calendar year preceding the one last past, determined by residence of registrants, bears to the total statewide motor vehicle registration.

(3) An amount equal to ~~30~~ 35 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its total ~~miles existing lane miles~~ of approved county state-aid highways bears to the total ~~miles existing lane miles~~ of approved statewide county state-aid highways.

(4) An amount equal to ~~50~~ 40 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its money needs bears to the sum of the money needs of all of the individual counties; provided, that the percentage of such amount that each county is to receive shall be adjusted so that each county shall receive in 1958 a total apportionment at least ten percent greater than its total 1956 apportionments from the state road and bridge fund; and provided further that those counties whose money needs are thus adjusted shall never receive a percentage of the apportionment sum less than the percentage that such county received in 1958 in 1994 and thereafter, no county shall receive more than its apportionment for the previous year plus

39.5 percent, and in 1994 and thereafter, no county shall receive less than its apportionment for 1993 plus three percent. The three percent may be decreased proportionately among the counties if the total apportionment sum is insufficient.

Sec. 17. Minnesota Statutes 1992, section 162.07, subdivision 5, is amended to read:

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

Sec. 18. Minnesota Statutes 1992, section 162.07, subdivision 6, is amended to read:

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

Sec. 19. Minnesota Statutes 1992, section 169.121, subdivision 7, is amended to read:

Subd. 7. [LICENSE REVOCATION; COURT PROCEDURES.] On behalf of the commissioner of public safety a court shall serve notice of revocation on a person convicted of a violation of this section unless the commissioner has already revoked the person's driving privileges or served the person with a notice of revocation for a violation of section 169.123 arising out of the same incident. ~~The court shall take the license or permit of the driver, if any, or obtain a sworn affidavit stating that the license or permit cannot be produced, and send it to the commissioner with a record of the conviction and issue a temporary license effective only for the period during which an appeal from the conviction may be taken. No person who is without driving privileges at the time shall be issued a temporary license and any temporary license issued shall bear the same restrictions and limitations as the driver's license or permit for which it is exchanged.~~

The commissioner shall issue additional temporary licenses until the final determination of whether there shall be a revocation under this section.

The court shall invalidate the driver's license or permit in such a way that no identifying information is destroyed.

Sec. 20. Minnesota Statutes 1992, section 169.123, subdivision 5a, is amended to read:

Subd. 5a. [PEACE OFFICER AGENT FOR NOTICE OF REVOCATION OR DISQUALIFICATION.] On behalf of the commissioner of public safety a peace officer requiring a test or directing the administration of a chemical test shall serve immediate notice of intention to revoke and of revocation on a person who refuses to permit a test or on a person who submits to a test the results of which indicate an alcohol concentration of 0.10 or more. On behalf of the commissioner of public safety, a peace officer requiring a test or directing the administration of a chemical test of a person driving, operating, or in physical control of a commercial motor vehicle shall serve immediate notice of intention to disqualify and of disqualification on a person who refuses to permit a test, or on a person who submits to a test the results of which indicate an alcohol concentration of 0.04 or more. The officer shall either:

(1) take the driver's license or permit of the driver, if any, and issue a temporary license effective only for seven days. The peace officer shall send the person's driver's license it to the commissioner of public safety along with the certificate required by subdivision 4, and issue a temporary license effective only for seven days; or

(2) invalidate the driver's license or permit in such a way that no identifying information is destroyed.

Sec. 21. Minnesota Statutes 1992, section 171.02, subdivision 1, is amended to read:

Subdivision 1. [LICENSE REQUIRED.] No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon any street or highway in this state unless such person has a license valid under the provisions of this chapter for the type or class of vehicle being driven. No person shall receive a driver's license unless and until the person surrenders to the department all valid driver's licenses in possession issued to the person by any other jurisdiction. All surrendered licenses shall be returned person's license from any jurisdiction has been invalidated by the department. The department shall provide to the issuing department together with of any jurisdiction, information that the licensee is now licensed in new jurisdiction Minnesota. No person shall be permitted to have more than one valid driver's license at any time. No person to whom a current Minnesota identification card has been issued may receive a driver's license, other than an instruction permit or a limited license, unless the person surrenders to the department any person's Minnesota identification card issued to the person under section 171.07, subdivision 3 has been invalidated by the department.

Sec. 22. Minnesota Statutes 1992, section 171.06, subdivision 2, is amended to read:

Subd. 2. [FEES.] (a) The fees for a license and Minnesota identification card are as follows:

Classified Driver License	C-\$15	CC-\$19	B-\$26	A-\$34
	C-\$16	CC-\$20	B-\$27	A-\$35
Classified Under 21 D.L.	C-\$15	CC-\$19	B-\$26	A-\$14
	C-\$16	CC-\$20	B-\$27	A-\$15
Instruction Permit				\$6
Duplicate Driver or Under 21 License				\$4.50
				\$5.50
Minnesota identification card, except as otherwise provided in section 171.07, subdivisions 3 and 3a				\$9 10

Sec. 23. Minnesota Statutes 1992, section 171.11, is amended to read:

171.11 [CHANGE OF DOMICILE OR NAME.]

When any person, after applying for or receiving a driver's license, shall change permanent domicile from the address named in such application or in the license issued to the person, or shall change a name by marriage or otherwise, such person shall, within 30 days thereafter, ~~make application apply~~ for a duplicate driver's license upon a form furnished by the department; ~~such and pay the required fee. The application or duplicate license shall show both the licensee's old address and new address or the former name and new name as the case may be. Such application for a duplicate license, upon change of address or change of name, shall be accompanied by all certificates of driver's license then in the possession of the applicant together with the required fee.~~

Sec. 24. Minnesota Statutes 1992, section 171.22, subdivision 1, is amended to read:

Subdivision 1. [VIOLATIONS.] With regard to any driver's license, including a commercial driver's license, it shall be unlawful for any person:

- (1) to display, cause or permit to be displayed, or have in possession, any:
 - (i) canceled, revoked, or suspended driver's license;
 - (ii) driver's license for which the person has been disqualified; or
 - (iii) fictitious or fraudulently altered driver's license or Minnesota identification card;
- (2) to lend the person's driver's license or Minnesota identification card to any other person or knowingly permit the use thereof by another;
- (3) to display or represent as one's own any driver's license or Minnesota identification card not issued to that person;
- (4) to fail or refuse to surrender to the department, upon its lawful demand, any driver's license or Minnesota identification card which has been suspended, revoked, canceled, or for which the holder has been disqualified;
- (5) to use a fictitious name or date of birth to any police officer or in any application for a driver's license or Minnesota identification card, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit a fraud in any such application;
- (6) (5) to alter any driver's license or Minnesota identification card;

(7) (6) to take any part of the driver's license examination for another or to permit another to take the examination for that person;

(8) (7) to make a counterfeit driver's license or Minnesota identification card; or

(9) (8) to use the name and date of birth of another person to any police officer for the purpose of falsely identifying oneself to the police officer.

Sec. 25. Minnesota Statutes 1992, section 174.02, is amended by adding a subdivision to read:

Subd. 6. [AGREEMENTS.] To facilitate the implementation of intergovernmental efficiencies, effectiveness, and cooperation, and to promote and encourage economic and technological development in transportation matters within and between governmental and nongovernmental entities:

(a) The commissioner may enter into agreements with other governmental or nongovernmental entities for research and experimentation; for sharing facilities, equipment, staff, data, or other means of providing transportation-related services; or for other cooperative programs that promote efficiencies in providing governmental services or that further development of innovation in transportation for the benefit of the citizens of Minnesota.

(b) In addition to funds otherwise appropriated by the legislature, the commissioner may accept and spend funds received under any agreement authorized in paragraph (a) for the purposes set forth in that paragraph, subject to a report of receipts to the commissioner of finance at the end of each fiscal year and, if receipts from the agreements exceed \$100,000 in a fiscal year, the commissioner shall also notify the governor and the committee on finance of the senate and the committee on ways and means of the house of representatives.

(c) Funds received under this subdivision must be deposited in the special revenue fund and are appropriated to the commissioner for the purposes set forth in this subdivision.

Sec. 26. Minnesota Statutes 1992, section 174.32, subdivision 2, is amended to read:

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

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

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

Sec. 27. Minnesota Statutes 1992, section 296.02, subdivision 1a, is amended to read:

Subd. 1a. [EXCEPTIONS FOR TRANSIT AND ALTERNATIVE FUELS SYSTEMS EXEMPT.] The provisions of subdivision 1 do not apply to (1) gasoline purchased by a transit system receiving financial assistance under section 174.24 or 473.384; or (2) sales of compressed natural gas or propane for use in vehicles displaying a valid annual alternate fuel permit.

Sec. 28. Minnesota Statutes 1992, section 296.02, subdivision 1b, is amended to read:

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

For the period on and after May June 1, 1988 1993, to September 30, 1994, gasoline is taxed at the rate of 20 25 cents per gallon. After September 30, 1994, gasoline is taxed at a rate determined annually under subdivision 1c.

Sec. 29. Minnesota Statutes 1992, section 296.02, is amended by adding a subdivision to read:

Subd. 1c. [ANNUAL GASOLINE TAX RATE ADJUSTMENT.] Beginning in 1994 and annually thereafter, before October 1 of each year the commissioner of revenue shall adjust the rate of the gasoline excise tax. The new rate per gallon must be calculated as follows:

(a) If the percentage of motor vehicle excise tax proceeds specified to be transferred to the transit assistance fund in section 297B.09, subdivision 1, is reduced or the transfer of motor vehicle excise tax proceeds to the transit assistance fund is eliminated, the increase in the gasoline excise tax rate effective June 1, 1993, must be adjusted by a corresponding percentage reduction or eliminated.

(b) After making any adjustment under paragraph (a), the new rate shall be calculated by multiplying the rate in effect at the time of the calculation by an amount obtained by multiplying the amount under paragraph (c) by the amount under paragraph (d). The new rate must be rounded to the nearest 0.1 cent and is effective on October 1 of each year.

(c) Divide the annual average United States Consumer Price Index for all urban consumers, United States city average, as determined by the United States Department of Labor for the previous year by that annual average for the year before the previous year.

(d) Divide the number of gallons of gasoline and special fuel sold in the state, as estimated by the commissioner, during the year two years before the year in which the calculation is made, minus any shrinkage allowed, by the number of gallons of gasoline and special fuel sold in the state, as estimated by the commissioner, during the year immediately prior to the year during which the calculation is made, minus any shrinkage allowed.

Sec. 30. Minnesota Statutes 1992, section 296.025, subdivision 1a, is amended to read:

Subd. 1a. [EXCEPTIONS FOR TRANSIT AND ALTERNATIVE FUELS SYSTEMS EXEMPT.] The provisions of subdivision 1 do not apply to (1) special fuel purchased by a transit system receiving financial assistance under section 174.24 or 473.384, or (2) sales of compressed natural gas or propane for use in vehicles displaying a valid annual alternate fuel permit.

Sec. 31. Minnesota Statutes 1992, section 297B.02, subdivision 1, is amended to read:

Subdivision 1. [RATE.] There is imposed an excise tax at the rate provided in chapter 297A of seven percent on the purchase price of any motor vehicle purchased or acquired, either in or outside of the state of Minnesota, which is required to be registered under the laws of this state.

The excise tax is also imposed on the purchase price of motor vehicles purchased or acquired on Indian reservations when the tribal council has entered into a motor vehicle excise tax refund agreement with the state of Minnesota.

Sec. 32. Minnesota Statutes 1992, section 297B.09, subdivision 1, is amended to read:

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

(b) ~~Twenty-five~~ *Twenty-seven* percent of the money collected and received under this chapter after June 30, 1990, and before July 1, 1991, must be transferred to the highway user tax distribution fund and the transit assistance fund for apportionment as follows: ~~75 percent must be transferred to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund, and the remaining 25 percent of the money must be transferred to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state and to the regional transit board.~~

(c) The distributions under this subdivision to the highway user tax distribution fund until June 30, 1991, and to the trunk highway fund thereafter, must be reduced by the amount necessary to fund the appropriation under section 41A.09, subdivision 1. For the fiscal years ending June 30, 1988, and June 30, 1989, the commissioner of finance, before making the transfers required on July 15 and January 15 of each year, shall estimate the amount required to fund the appropriation under section 41A.09, subdivision 1, for the six-month period for which the transfer is being made. The commissioner shall then reduce the amount transferred to the highway user tax distribution fund by the amount of that estimate. The commissioner shall

reduce the estimate for any six-month period by the amount by which the estimate for the previous six-month period exceeded the amount needed to fund the appropriation under section 41A.09, subdivision 1, for that previous six-month period. If at any time during a six-month period in those fiscal years the amount of reduction in the transfer to the highway user tax distribution fund is insufficient to fund the appropriation under section 41A.09, subdivision 1 for that period, the commissioner shall transfer to the general fund from the highway user tax distribution fund an additional amount sufficient to fund the appropriation for that period, but the additional amount so transferred to the general fund in a six-month period may not exceed the amount transferred to the highway user tax distribution fund for that six-month period.

Sec. 33. [REPEALER.]

Minnesota Statutes 1992, sections 171.20, subdivision 1; 296.01, subdivision 4; and 296.026 are repealed.

Sec. 34. EFFECTIVE DATE.]

Sections 13 to 18 are effective for county state-aid fund apportionment payments in 1994 and thereafter. Section 28 is effective June 1, 1993.

Section 22 is effective January 1, 1994."

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; fixing and limiting accounts and fees; defining highway purpose; changing the county state-aid fund apportionment formula and the composition of the screening board; increasing motor fuel tax rate and requiring annual rate adjustment; increasing motor vehicle excise tax rate and transferring proceeds to transit assistance fund; amending Minnesota Statutes 1992, sections 11A.21, subdivision 1; 161.081; 161.39, by adding a subdivision; 162.02, subdivisions 7, 8, and by adding a subdivision; 162.07, subdivisions 1, 5, and 6; 169.121, subdivision 7; 169.123, subdivision 5a; 171.02, subdivision 1; 171.06, subdivision 2; 171.11; 171.22, subdivision 1; 174.02, by adding a subdivision; 174.32, subdivision 2; 296.02, subdivisions 1a, 1b, and by adding a subdivision; 296.025, subdivision 1a; 297B.02, subdivision 1; and 297B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 161; repealing Minnesota Statutes 1992, sections 171.20, subdivision 1; 296.01, subdivision 4; and 296.026."

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 561: A bill for an act relating to traffic regulations; directing commissioner of public safety to issue temporary permit immediately to applicant for special disabled license plates or parking certificate; providing penalty for unauthorized use of temporary permit; amending Minnesota Statutes 1992, sections 168.021, subdivisions 1, 1a, and 3; 169.345, subdivisions 3 and 4; and 169.346, subdivisions 1, 2, and 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. Minnesota Statutes 1992, section 168.021, subdivision 1, is amended to read:

Subdivision 1. [SPECIAL PLATES; APPLICATION.] (a) When a motor vehicle registered under section 168.017, a motorcycle, or a self-propelled recreational vehicle is owned or primarily operated by a permanently physically disabled person or a custodial parent or guardian of a permanently physically disabled minor, the owner may apply for and secure from the registrar of motor vehicles *(1) immediately, a temporary permit valid for 30 days, if the applicant is eligible for the special plates issued under this paragraph, and (2) two license plates with attached emblems, one plate to be attached to the front, and one to the rear of the vehicle.* Application for the plates must be made at the time of renewal or first application for registration. When the owner first applies for the plates, the owner must submit a physician's statement on a form developed by the commissioner under section 169.345, or proof of physical disability provided for in that section.

(b) The owner of a motor vehicle may apply for and secure *(i) immediately, a temporary permit valid for 30 days, if the person is eligible to receive the special plates issued under this paragraph, and (ii) a set of special plates for a motor vehicle if:*

(1) the owner employs a permanently physically disabled person who would qualify for special plates under this section; and

(2) the owner furnishes the motor vehicle to the physically disabled person for the exclusive use of that person in the course of employment.

Sec. 2. Minnesota Statutes 1992, section 168.021, subdivision 1a, is amended to read:

Subd. 1a. [SCOPE OF PRIVILEGE.] If a physically disabled person parks a vehicle displaying license plates described in this section, *or a temporary permit valid for 30 days and issued to an eligible person awaiting receipt of the license plates described in this section,* or any person parks the vehicle for a physically disabled person, that person shall be entitled to park the vehicle as provided in section 169.345.

Sec. 3. Minnesota Statutes 1992, section 168.021, subdivision 3, is amended to read:

Subd. 3. [PENALTIES FOR UNAUTHORIZED USE OF PLATES.] (a) A person who uses the plates *or temporary permit* provided under this section on a motor vehicle in violation of this section is guilty of a misdemeanor, and is subject to a fine of \$500. This subdivision does not preclude a person who is not physically disabled from operating a vehicle bearing the plates *or temporary permit* if:

(1) the person is the owner of the vehicle and permits its operation by a physically disabled person;

(2) the person operates the vehicle with the consent of the owner who is physically disabled; or

(3) the person is the owner of the vehicle, is the custodial parent or guardian of a permanently physically disabled minor, and operates the vehicle to transport the minor.

(b) A driver who is not disabled is not entitled to the parking privileges provided in this section and in section 169.346 unless parking the vehicle for a physically disabled person.

Sec. 4. Minnesota Statutes 1992, section 169.345, subdivision 3, is amended to read:

Subd. 3. [IDENTIFYING CERTIFICATE.] (a) The division of driver and vehicle services in the department of public safety shall issue (1) *immediately, a temporary permit valid for 30 days, if the person is eligible for the certificate issued under this paragraph, and* (2) a special identifying certificate for a motor vehicle when a physically disabled applicant submits proof of physical disability under subdivision 2a. The commissioner shall design separate certificates for persons with permanent and temporary disabilities that can be readily distinguished from each other from outside a vehicle at a distance of 25 feet. The certificate is valid for the duration of the person's disability, as specified in the physician's or chiropractor's statement, up to a maximum of six years. A person with a disability of longer duration will be required to renew the certificate for additional periods of time, up to six years each, as specified in the physician's or chiropractor's statement.

(b) When the commissioner is satisfied that a motor vehicle is used primarily for the purpose of transporting physically disabled persons, the division may issue without charge (1) *immediately, a temporary permit valid for 30 days, if the operator is eligible for the certificate issued under this paragraph, and* (2) a special identifying certificate for the vehicle. The operator of a vehicle displaying the certificate *or temporary permit* has the parking privileges provided in subdivision 1 while the vehicle is in use for transporting physically disabled persons. The certificate issued to a person transporting physically disabled persons must be renewed every third year. On application and renewal, the person must present evidence that the vehicle continues to be used for transporting physically disabled persons.

(c) A certificate must be made of plastic or similar durable material, must be distinct from certificates issued before January 1, 1988, and must bear its expiration date prominently on its face. A certificate issued to a temporarily disabled person must display the date of expiration of the duration of the disability, as determined under paragraph (a). Each certificate must have printed on the back a summary of the parking privileges and restrictions that apply to each vehicle in which it is used. The commissioner may charge a fee of \$5 for issuance or renewal of a certificate *or temporary permit*, and a fee of \$5 for a duplicate to replace a lost, stolen, or damaged certificate *or temporary permit*. *The commissioner shall not charge a fee for issuing a certificate to a person who has paid a fee for issuance of a temporary permit.*

Sec. 5. Minnesota Statutes 1992, section 169.345, subdivision 4, is amended to read:

Subd. 4. [UNAUTHORIZED USE; REVOCATION; PENALTY.] If a peace officer finds that the certificate *or temporary permit* is being improperly used, the officer shall report the violation to the division of driver and vehicle services in the department of public safety and the commissioner of public safety may revoke the certificate *or temporary permit*. A person who uses the certificate *or temporary permit* in violation of this section is guilty of a misdemeanor and is subject to a fine of \$500.

Sec. 6. Minnesota Statutes 1992, section 169.346, subdivision 1, is amended to read:

Subdivision 1. [PARKING CRITERIA.] A person shall not:

(1) park a motor vehicle in or obstruct access to a parking space designated and reserved for the physically disabled, on either private or public property;

(2) park a motor vehicle in or obstruct access to an area designated by a local governmental unit as a transfer zone for disabled persons; or

(3) exercise the parking privilege provided in section 169.345, unless:

(i) that person is a physically disabled person as defined in section 169.345, subdivision 2, or the person is transporting or parking a vehicle for a physically disabled person; and

(ii) the vehicle visibly displays one of the following: a license plate issued under section 168.021, a certificate issued under section 169.345, a *temporary permit valid for 30 days issued under section 168.021 or 169.345*, or an equivalent certificate, insignia, or license plate issued by another state, a foreign country, or one of its political subdivisions.

Sec. 7. Minnesota Statutes 1992, section 169.346, subdivision 2, is amended to read:

Subd. 2. [SIGNS; PARKING SPACES FREE OF OBSTRUCTIONS; PENALTY.] (a) Parking spaces reserved for physically disabled persons must be designated and identified by the posting of signs incorporating the international symbol of access in white on blue and indicating that violators are subject to a fine of up to \$200. These parking spaces are reserved for disabled persons with vehicles displaying the required certificate, license plates, *temporary permit valid for 30 days*, or insignia. Signs sold after August 1, 1991, must conform to the design requirements in this paragraph. For purposes of this subdivision, a parking space that is clearly identified as reserved for physically disabled persons by a permanently posted sign that does not meet all design standards, is considered designated and reserved for physically disabled persons. A sign posted for the purpose of this section must be visible from inside a vehicle parked in the space, be kept clear of snow or other obstructions which block its visibility, and be nonmovable or only movable by authorized persons.

(b) The owner or manager of the property on which the designated parking space is located shall ensure that the space is kept free of obstruction. If the owner or manager allows the space to be blocked by snow, merchandise, or similar obstructions for 24 hours after receiving a warning from a peace officer, the owner or manager is guilty of a misdemeanor and subject to a fine of up to \$500.

Sec. 8. Minnesota Statutes 1992, section 169.346, subdivision 3, is amended to read:

Subd. 3. [PENALTY; ENFORCEMENT.] A person who violates subdivision 1 is guilty of a misdemeanor and shall be fined not less than \$100 or more than \$200. This subdivision shall be enforced in the same manner as parking ordinances or regulations in the governmental subdivision in which the violation occurs. Law enforcement officers have the authority to tag vehicles parked on either private or public property in violation of subdivision 1. A physically disabled person, or a person parking a vehicle for a disabled

person, who is charged with violating subdivision 1 because the person parked in a parking space for physically disabled persons without the required certificate ~~or~~, license plates, *or temporary permit* shall not be convicted if the person produces in court or before the court appearance the required certificate, *temporary permit*, or evidence that the person has been issued license plates under section 168.021, and demonstrates entitlement to the certificate ~~or~~, plates, *or temporary permit* at the time of arrest or tagging."

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. 1527 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		1527		1431	

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 804 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
804		1107			

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 507 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.
507	481				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 507 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 507 and insert the language after the enacting clause of S.F. No. 481, the first engrossment; further, delete the title of H.F. No. 507 and insert the title of S.F. No. 481, the first engrossment.

And when so amended H.F. No. 507 will be identical to S.F. No. 481, and further recommends that H.F. No. 507 be given its second reading and substituted for S.F. No. 481, 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. 795 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.
795	742				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 795 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 795 and insert the language after the enacting clause of S.F. No. 742, the first engrossment; further, delete the title of H.F. No. 795 and insert the title of S.F. No. 742, the first engrossment.

And when so amended H.F. No. 795 will be identical to S.F. No. 742, and further recommends that H.F. No. 795 be given its second reading and substituted for S.F. No. 742, 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. 55 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.
55	86				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 55 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 55 and insert the language after the enacting clause of S.F. No. 86, the first engrossment; further, delete the title of H.F. No. 55 and insert the title of S.F. No. 86, the first engrossment.

And when so amended H.F. No. 55 will be identical to S.F. No. 86, and further recommends that H.F. No. 55 be given its second reading and substituted for S.F. No. 86, 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. 654 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
654	704				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 381 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		381	509		

and that the above Senate File be indefinitely postponed.

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

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

H.F. No. 86: A bill for an act relating to state government; extending expiration date of governor's residence council; providing for four additional public members; amending Minnesota Statutes 1992, section 16B.27, subdivision 3.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 519: A bill for an act relating to retirement; administrative changes and age discrimination act compliance by the Minnesota state retirement system and the public employees retirement association; coverage of fire inspectors, investigators, or marshals by the public employees police and fire fund; optional annuities and benefits payable by the teachers retirement association; amending Minnesota Statutes 1992, sections 3A.02, subdivision 1, and by adding a subdivision; 352.01, subdivisions 2b, 11, and by adding a subdivision; 352.03, subdivisions 4, 4a, and 6; 352.04, subdivision 9; 352.113, subdivisions 2, 4, 7, 12, and by adding a subdivision; 352.115, subdivision 8; 352.12, subdivisions 1, 3, 4, 7, 10, and 13; 352.15, subdivision 1a, and by adding subdivisions; 352.22, subdivisions 1 and 2; 352.23; 352.85, subdivision 4; 352.93, subdivision 2a; 352.94; 352.95, subdivisions 1, 2, 3, and 5; 352.951; 352.96, subdivisions 3 and 4; 352B.01, subdivision 3; 352B.08, subdivisions 1 and 2a; 352B.10, subdivisions 1, 2, and 5; 352B.101; 352B.11, subdivision 2; 352C.01; 352C.021; 352C.031; 352C.033; 352C.04; 352C.051; 352C.09; 352D.015, subdivision 4; 352D.02, subdivision 3, and by adding a subdivision; 352D.04, subdivision 1; 352D.05, subdivisions 1, 3, and 4; 352D.09, subdivision 5, and by adding a subdivision; 353.01, subdivisions 2, 2a, 2b, 6, 7, 10, 11a, 12, 16, 28, 31, 32, and by adding subdivisions; 353.017; 353.27, subdivision 7; 353.29, subdivision 1; 353.33, subdivisions 1, 2, 3, 4, 6, 8, 11, and by adding a subdivision; 353.34, subdivisions 1 and 3; 353.35; 353.37; 353.64, subdivisions 1, 3, 5a, and 9; 353.656, subdivisions 1, 1a, 3, 5, and by adding subdivisions; 353.71, subdivision 1; 353A.08, subdivisions 1, 3, and 5; 353A.10, subdivision 4; 353B.11, subdivision 6; 353C.08, subdivisions 1 and 2; 353D.02; 353D.04; 353D.05, subdivision 3; 353D.07, subdivision 2; 354.35; 354.46, subdivision 1; 354.48, subdivisions 3 and 10; 356.302, subdivisions 4 and 6; 356.453; 356.61; and 490.124, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 3A; repealing Minnesota Statutes 1992, sections 3A.06; 352.01, subdivision 7; 352.12, subdivision 5; 352.22, subdivision 9; 352.73; 352.94, subdivision 2; 352B.01, subdivision 2a; 352B.131; 352B.14; 352B.261; 352B.262; 352B.28; 352C.021, subdivision 3; 352D.05, subdivision 5; and 353.656, subdivision 6.

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

Page 28, after line 27, insert:

"Sec. 38. Minnesota Statutes 1992, section 352D.09, is amended by adding a subdivision to read:

Subd. 8. [ADMINISTRATIVE CHARGE DEDUCTIONS.] Any administrative charges deducted under subdivision 7 that were in excess of the administrative expenses between July 1, 1973, and June 30, 1992, together with any investment gains or losses based on fiscal year balances, must be recovered from the state employees retirement plan and held in the unclassified plan to pay future administrative expenses. Any deductions to pay administrative expenses under section 11A.17, subdivision 10a, on contributions and investment returns attributable to contributions made before July 1, 1992, must be credited back to the participants in the unclassified plan."

Page 29, delete section 40 and insert:

"Sec. 41. [EFFECTIVE DATE.]

Sections 1 to 40 are effective the day following final enactment."

Renumber the sections of article 1 in sequence

Page 29, delete lines 31 to 36

Page 30, delete lines 1 to 5 and insert:

"Subd. 5. [OPTIONAL ANNUITIES.] (a) The board of directors shall establish an optional retirement annuity in the form of a joint and survivor annuity and an optional retirement annuity in the form of a period certain and life thereafter. These optional annuities are to be available only to legislators who elect to receive retirement annuities under section 356.30 and who do not meet the legislative length of service requirements under subdivision 1, paragraph (a), clause (1). Except as provided in paragraph (b), these optional annuity forms must be actuarially equivalent to the normal annuity computed under this section, without the automatic survivor coverage under section 3A.04.

(b) If a retired legislator selects the joint and survivor annuity option, the retired legislator must receive a normal single-life annuity if the designated optional annuity beneficiary dies before the retired legislator, and no reduction may be made in the annuity to provide for restoration of the normal single-life annuity in the event of the death of the designated optional annuity beneficiary."

Pages 30 and 31, delete sections 3 and 4

Page 34, lines 13 and 14, delete the new language and insert *"within 90 days of attaining age 65 or reaching the five-year anniversary of the effective date of the disability benefit, whichever is later,"*

Page 34, line 19, after *"made"* insert *"within 90 days"* and after *"before"* insert *"attaining age 65 or"*

Page 34, line 20, after *"anniversary"* insert *"of the effective"* and after *"date"* insert *"of the disability benefit, whichever is later"*

Page 34, line 26, reinstate the stricken *"age"* and delete *"the"*

Page 34, line 27, before *"five-year"* insert *"65 or the"* and after *"anniversary"* insert *"of the effective"* and before the period, insert *"of the disability benefit, whichever is later"*

Page 37, line 26, delete *"either"*

Page 37, line 27, after *"of"* insert *"attaining age 65 or"*

Page 37, line 28, delete "*start*" and insert "*effective date*" and after the second "*of*" insert "*the*" and delete "*payment*" and insert "*benefit, whichever is later*"

Page 37, line 30, after "*following*" insert "*attainment of age 65 or*"

Page 37, line 31, after "*anniversary*" insert "*of the effective*" and after "*date*" insert "*of the disability benefit*" and delete "*applies*" and insert "*is later*"

Page 37, after line 31, insert:

"Sec. 15. Minnesota Statutes 1992, section 352B.105, is amended to read:
352B.105 [TERMINATION OF DISABILITY BENEFITS.]

Disability benefits payable under section 352B.10 shall terminate at the end of the month the beneficiary becomes 55 years old. If the beneficiary is still disabled when the beneficiary becomes 55 years old, the beneficiary shall be deemed to be a retired member and, if the beneficiary had chosen an optional annuity under section 352B.10, subdivision 5, shall receive an annuity in accordance with the terms of the optional annuity previously chosen. If the beneficiary had not chosen an optional annuity under section 352B.10, subdivision 5, the beneficiary may choose to receive either a normal retirement annuity computed under section 352B.08, subdivision 2, or an optional annuity as provided in section 352B.08, subdivision 3. An optional annuity must be chosen *before the beneficiary becomes 55 years old within 90 days of attaining age 65 or reaching the five-year anniversary of the effective date of the disability benefit, whichever is later.* If an optional annuity is chosen, the optional annuity shall begin to accrue the first of the month following the month in which the beneficiary becomes 55 years old attainment of age 65 or the five-year anniversary of the effective date of the disability benefit, whichever is later."

Page 37, line 35, after the comma, insert "*or*" and before "*receiving*" insert "*or former member*"

Page 37, line 36, delete "*for less than five years*" and insert "*before attaining age 65 or reaching the five-year anniversary of the effective date of the disability benefit, whichever is later,*"

Page 38, line 1, strike everything after the first comma

Page 38, line 2, strike the old language and delete the new language

Page 38, line 3, strike "*section 352B.10, subdivision 2,*" and insert "*subdivisions 1 and 2,*" and after "*cause*" insert "*before attaining age 65 or reaching the five-year anniversary of the effective date of the disability benefit, whichever is later*"

Page 41, after line 25, insert:

"Sec. 19. [RETROACTIVE BENEFIT ACCRUAL TO COMPLY WITH AGE DISCRIMINATION LAWS.]

A retired member of the state patrol retirement plan who retired after December 31, 1987, and whose annuity was calculated using less than full years and months of service earned after reaching age 60 must have monthly benefits recomputed using all years and months of service and including any postretirement adjustments that would have been payable. The difference

between the original calculation and recomputed amount must be paid retroactively to September 1, 1989, or the date the annuity began to accrue, whichever is later.

Sec. 20. [EFFECTIVE DATE.]

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

Renumber the sections of article 2 in sequence

Page 41, delete lines 27 and 28 and insert:

"MISCELLANEOUS MSRS PROVISIONS"

Pages 41 to 44, delete section 1

Page 45, line 12, before "The" insert "Notwithstanding laws to the contrary,"

Page 45, line 13, after "retirees" insert "who were employed by the University of Minnesota at the time of termination"

Page 45, line 14, delete everything after "for"

Page 45, delete lines 15 and 16 and insert "retirees who were employed by the specific state agency at the time of termination. The board, at its discretion, may supply names and addresses of state and university retirees to an organization that has been in existence for at least ten years and represents more than 5,000 retired state and university employees. The names and addresses of each retiree may be given to this organization only once within 60 days of the effective date of the annuity. The board shall require the retiree organization, the University of Minnesota, or state agency to reimburse the fund for any administrative expense of providing the list. The list remains the property of the Minnesota state retirement system and may not be subsequently sold, conveyed, given, or otherwise transferred by the retiree organization, the University of Minnesota, or the state agency to a third party. Periodically, retirees must be given an opportunity to specify that their name and address not be distributed under this section."

Page 45, delete section 4

Page 46, line 4, delete "may" and insert "shall"

Page 46, line 6, delete ", and" and insert a period

Page 46, after line 15, insert:

"Sec. 5. Minnesota Statutes 352B.01, subdivision 11, is amended to read:

Subd. 11. [AVERAGE SALARY.] "Average monthly salary" means the average of the highest monthly salaries for five years of service as a member. Average monthly salary must be based upon all allowable service if this service is less than five years. It does not include any amounts of severance pay or any reduced salary paid during the period the person is entitled to workers' compensation benefit payments for temporary disability. A member on leave of absence receiving temporary workers' compensation payments and a reduced salary or no salary from the employer who is entitled to allowable service credit for the period of absence, may make payment to the fund for the difference between salary received, if any, and the salary the member would normally receive if not on leave of absence during the period.

The member shall pay an amount equal to the member and employer contribution rate under section 352B.02, subdivisions 1b and 1c, on the differential salary amount for the period of the leave of absence. The employing department, at its option, may pay the employer amount on behalf of the member. Payment made under this subdivision must include interest at the rate of 8.5 percent per year, and must be completed within one year of the return from the leave of absence."

Page 46, line 33, reinstate the stricken comma

Page 46, line 36, before the period, insert "*except that (1) the employee contribution paid to the unclassified plan must be compared to (2) the employee contributions that would have been paid to the general plan for the comparable period, if the individual had been covered by that plan. If clause (1) is greater than clause (2), the difference must be refunded to the employee as provided in section 352.22. If clause (2) is greater than clause (1), the difference must be paid by the employee within six months of electing general plan coverage or before the effective date of the annuity, whichever is sooner*"

Page 47, after line 4, insert:

"Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment."

Renumber the sections of article 3 in sequence

Page 59, line 31, delete "or"

Page 59, line 32, delete "less"

Page 61, delete lines 35 and 36

Page 62, delete lines 1 to 8

Page 62, line 33, after "current" insert "coordinated"

Page 65, line 21, after "service" insert "*and who becomes totally and permanently disabled*"

Page 67, line 1, delete "\$50 for life" and insert "*\$25 to age 65 or the five-year anniversary of the effective date of the disability benefit, whichever is later*"

Page 69, line 19, delete "either"

Page 69, line 20, before "equal" insert "*an annuity*"

Page 70, line 3, after "dies" insert "*before attaining age 65 or*"

Page 70, line 4, after the comma, insert "*whichever is later,*"

Page 70, line 7, after "living" insert "*at age 65 or*"

Page 70, line 8, after the comma, insert "*whichever is later,*"

Page 70, line 10, delete everything after the period

Page 70, delete lines 11 and 12

Page 70, line 13, delete "3" and insert "*The election of the joint and survivor optional annuity must occur within 90 days of age 65 or the five-year anniversary of the effective date of the disability benefit, whichever is later*"

Page 70, lines 14 and 15, delete "*expiration of the five-year period occurs*" and insert "*person attains age 65 or reaches the five-year anniversary of the effective date of the disability benefit, whichever is later*"

Page 71, line 27, delete "(a)"

Page 71, line 32, after "person" insert "*returns to active service and*"

Page 71, line 33, strike "all" and insert "*the refund or*"

Page 71, line 36, after the period, insert "*If the person elects to restore service credit in a particular fund from which the person has taken more than one refund, the person must repay all refunds to that fund. All refunds must be repaid within six months of the last date of termination of public service.*"

Page 72, lines 1 and 2, delete the new language and strike the old language

Page 72, line 3, strike "the person may repay" and delete "any or" and strike "all refunds"

Page 72, line 5, delete the new language

Page 72, lines 6 to 11, delete the new language and strike the old language

Page 74, line 2, reinstate the stricken "any further" and reinstate the stricken "to"

Page 74, line 3, reinstate the stricken language and delete "on behalf"

Page 74, lines 4 and 5, delete the new language

Page 76, delete section 33

Page 77, line 16, delete everything after "or"

Page 77, line 17, delete everything before "under" and insert "as specified"

Page 79, line 31, after "dies" insert "*before attaining age 65 or*"

Page 79, line 32, after the comma, insert "*whichever is later,*"

Page 80, line 3, after "living" insert "*at age 65 or*"

Page 80, line 4, after the comma, insert "*whichever is later,*"

Page 80, line 5, after "or" insert "*the member may*"

Page 80, line 8, after the period, insert "*The election of this joint and survivor annuity must occur within 90 days of age 65 or the five-year anniversary of the effective date of the disability benefit, whichever is later.*"

Page 80, line 10, delete "*expiration of the five-year period occurred*" and insert "*person attains age 65 or reaches the five-year anniversary of the effective date of the disability benefit, whichever is later*"

Pages 80 and 81, delete section 40

Page 93, delete section 56 and insert:

"Sec. 54. [EFFECTIVE DATE.]

Sections 1 to 18, 20, 22 to 24, 27 to 29, 31, 32, 36, 37, 39 to 43, 46 to 49, and 52 are effective July 1, 1993. Section 30 is effective January 1, 1993.

Sections 19, 21, 25, 26, 33 to 35, 38, 44, 45, 50 and 53 are effective retroactively to October 16, 1992. Section 51 is effective May 1, 1994."

Renumber the sections of article 4 in sequence

Pages 93 and 94, delete article 5

Page 94, line 12, delete "6" and insert "5"

Page 95, line 20, before the comma, insert "*before attaining age 65 or reaching the five-year anniversary of the effective date of the disability benefit, whichever is later*"

Page 97, line 17, delete "*of \$50*" and strike "shall" and insert "*of \$25 or age 65 or the five-year anniversary of the effective date of the disability benefit, whichever is later, must*"

Page 98, line 23, strike "at"

Page 98, line 24, strike "the option of the person" and strike "either a straight life"

Page 98, line 25, strike "retirement annuity computed pursuant to section 354.44 or"

Page 98, line 27, strike "attained"

Page 98, line 28, delete the new language and insert "*attains age 65 or reaches the five-year anniversary of the effective date of the disability benefit*" and strike "amount" and strike "greater" and insert "*later*"

Page 98, line 30, strike "shall" and insert "*must*"

Page 98, line 31, strike "prior to the person attaining the normal retirement age" and insert "*within 90 days of age 65 or the five-year anniversary of the effective date of the disability benefit, whichever is later*"

Page 98, lines 33 and 34, strike "the normal retirement age" and insert "*age 65 or reaches the five-year anniversary of the effective date of the disability benefit, whichever is later,*"

Page 98, line 36, strike "that" and before the period, insert "*65 or reaches the five-year anniversary of the effective date of the disability benefit, whichever is later*"

Page 99, after line 3, insert:

"ARTICLE 6

SURVIVING SPOUSE BENEFITS

Section 1. Minnesota Statutes 1992, section 352.12, subdivision 2, is amended to read:

Subd. 2. [SURVIVING SPOUSE BENEFIT.] If an employee or former employee is ~~at least 50 years old and who~~ has credit for at least three years allowable service ~~or who has credit for at least 30 years of allowable service, regardless of age,~~ dies before an annuity or disability benefit has become payable, notwithstanding any designation of beneficiary to the contrary, the surviving spouse of the employee may elect to receive, in lieu of the refund with interest provided in subdivision 1, an annuity equal to the joint and 100 percent survivor annuity which the employee could have qualified for had the employee terminated service on the date of death. The surviving spouse may

apply for the annuity at any time after the date on which the deceased employee would have attained the required age for retirement based on the employee's allowable service. The annuity must be computed as provided in sections 352.115, subdivisions 1, 2, and 3, and 352.116, subdivisions 1, 1a, and 3. Sections 352.22, subdivision 3, and 352.72, subdivision 2, apply to a deferred annuity payable under this subdivision. The annuity must cease with the last payment received by the surviving spouse in the lifetime of the surviving spouse. An amount equal to the excess, if any, of the accumulated contributions credited to the account of the deceased employee in excess of the total of the benefits paid and payable to the surviving spouse must be paid to the deceased employee's last designated beneficiary or, if none, to the surviving children of the deceased spouse in equal shares or, if none, to the surviving parents of the deceased spouse or, if none, to the representative of the estate of the deceased spouse. Any employee may request in writing that this subdivision not apply and that payment be made only to a designated beneficiary as otherwise provided by this chapter.

Sec. 2. Minnesota Statutes 1992, section 353.32, subdivision 1a, is amended to read:

Subd. 1a. [SURVIVING SPOUSE OPTIONAL ANNUITY.] If a member or former member ~~who has attained at least age 50 and who has credit for not less than three years of allowable service or who has credit for not less than 30 years of allowable service, regardless of age attained,~~ dies before the annuity or disability benefit begins to accrue under section 353.29, subdivision 7, or 353.33, subdivision 2, notwithstanding any designation of beneficiary to the contrary, the surviving spouse may elect to receive, instead of a refund with interest under subdivision 1, or surviving spouse benefits otherwise payable under section 353.31, an annuity equal to the 100 percent joint and survivor annuity that the member could have qualified for had the member terminated service on the date of death.

Notwithstanding the definition of surviving spouse in section 353.01, subdivision 20, a former spouse of the member, if any, is entitled to a portion of the monthly surviving spouse optional annuity if stipulated under the terms of a marriage dissolution decree filed with the association. If there is no surviving spouse or child or children, a former spouse may be entitled to a lump-sum refund payment under subdivision 1, if provided for in a marriage dissolution decree but not a monthly surviving spouse optional annuity despite the terms of a marriage dissolution decree filed with the association.

The surviving spouse may apply for the annuity at any time after the date on which the deceased employee would have attained the required age for retirement based on the employee's allowable service. The annuity must be computed under sections 353.29, subdivisions 2 and 3; 353.30, subdivisions 1, 1a, 1b, 1c, and 5; and 353.31, subdivision 3. Sections 353.34, subdivision 3, and 353.71, subdivision 2, apply to a deferred annuity payable under this subdivision. No payment may accrue beyond the end of the month in which entitlement to the annuity has terminated. An amount equal to any excess of the accumulated contributions that were credited to the account of the deceased employee over and above the total of the annuities paid and payable to the surviving spouse must be paid to the deceased member's last designated beneficiary or, if none, to the legal representative of the estate of the deceased member. A member may specify in writing that this subdivision does not apply and that payment may be made only to the designated beneficiary as otherwise provided by this chapter.

Sec. 3. Minnesota Statutes 1992, section 354.46, subdivision 2, is amended to read:

Subd. 2. [DEATH WHILE ELIGIBLE DESIGNATED BENEFICIARY BENEFIT.] The surviving spouse of any member or former member who ~~has attained the age of at least 50 years and has credit for at least three years of allowable service or who has credit for at least 30 years of allowable service~~ *irrespective of age* is entitled to joint and survivor annuity coverage in the event of death of the member prior to retirement. If the surviving spouse does not elect to receive a surviving spouse benefit provided pursuant to subdivision 1, if applicable, or does not elect to receive a refund of accumulated member contributions provided pursuant to section 354.47, subdivision 1, the surviving spouse is entitled to receive, upon written application on a form prescribed by the executive director, a benefit equal to the second portion of a 100 percent joint and survivor annuity as provided pursuant to section 354.45 and computed pursuant to section 354.44, subdivision 2, 6, or 7, whichever is applicable. The surviving spouse may apply for the annuity at any time after the date on which the deceased employee would have attained the required age for retirement based on the employee's allowable service. This benefit accrues from the day following the date of death but may not begin to accrue more than six months before the date the application is filed with the executive director. Sections 354.44, subdivision 6 and 354.60 apply to a deferred annuity payable under this section. The benefit is payable for life.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment."

Page 99, delete lines 12 and 13 and insert:

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

Amend the title as follows:

Page 1, line 2, delete "and" and insert a comma

Page 1, line 3, after "compliance" insert ", and death-while-active surviving spouse benefit improvements"

Page 1, line 4, delete "and" and insert a comma

Page 1, line 5, before the semicolon, insert ", and the teachers' retirement association" and delete "coverage of fire inspectors,"

Page 1, delete lines 6 to 8

Page 1, line 11, delete "subdivisions" and insert "subdivision" and delete "11,"

Page 1, line 13, before "7" insert "and" and delete ", 12, and by adding a"

Page 1, line 14, delete the first "subdivision"

Page 1, line 15, after the first comma, insert "2,"

Page 1, line 20, delete "subdivision" and insert "subdivisions" and after "3" insert "and 11"

Page 1, line 21, after the third semicolon, insert "352B.105;"

Page 1, line 27, delete "a subdivision" and insert "subdivisions"

Page 1, line 30, after the semicolon, insert "353.32, subdivision 1a;"

Page 1, line 32, delete ", 3,"

Page 1, line 33, before "5a," insert "and" and delete ", and 9"

Page 1, line 34, delete "353.71, subdivision 1;"

Page 1, line 38, delete the second "subdivision" and insert "subdivisions" and after "1" insert "and 2"

Page 1, lines 44 and 45, delete "352.94, subdivision 2;"

Page 1, line 46, delete "352C.021,"

Page 2, line 1, delete "subdivision 3;"

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

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

S.F. No. 480: A bill for an act relating to workers' compensation; requiring appointment of guardians and conservators for minors and incapacitated persons; amending Minnesota Statutes 1992, sections 176.091; 176.111, subdivision 5; and 176.521, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 176; and 525.

Reports the same back with the recommendation that the report from the Committee on Jobs, Energy and Community Development, shown in the Journal for April 7, 1993, be amended to read:

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

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

S.F. No. 255: A bill for an act relating to retirement; providing continued coverage in the Minnesota state retirement system for certain employees; amending Minnesota Statutes 1992, sections 352.01, subdivision 2a; and 352.04, subdivision 6.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for April 7, 1993, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

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

S.F. No. 439: A bill for an act relating to economic and social development; establishing a board of invention; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for April 12, 1993, be amended to read:

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

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

S.F. No. 385: A bill for an act relating to civil actions; adopting the discovery rule for medical malpractice statutes of limitation; amending Minnesota Statutes 1992, section 541.07.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for April 12, 1993, be amended to read:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Health Care". Amendments adopted. Report adopted.

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

S.F. No. 1053: A bill for an act relating to state and local government; establishing the Minnesota information network; establishing the metropolitan public information network pilot program; authorizing rulemaking; proposing coding for new law as Minnesota Statutes, chapter 116S.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for April 7, 1993, be amended to read:

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

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

S.F. No. 860: A bill for an act relating to retirement; providing coverage for unclassified managerial employees in temporary, acting, or interim positions; providing default plan for employee selection; providing one time vesting change for state university employee; providing for retroactive effect of 1990 law; adding conforming language to clarify eligibility between plans; relating to the individual retirement account plan; providing new eligibility period; providing for refunding of amounts forfeited; providing coverage for certain part-time employees; providing for repayment of missed contributions; providing for administrative expenses; providing for contributions during period of sabbatical leave; relating to the supplemental retirement plan; providing conforming language for previous oversight of eligible members; relating to retirement plan for technical college employees; providing investment option under individual retirement account plan; relating to marriage dissolutions; providing alternate method of retirement asset distribution for individual retirement account plan; amending Minnesota Statutes 1992;

sections 352D.02, subdivision 1a, and by adding a subdivision; 354.05, subdivision 2a; 354B.01, subdivision 1, and by adding a subdivision; 354B.015; 354B.02, subdivisions 1, 2, 3a, and by adding a subdivision; 354B.04, by adding a subdivision; 354B.05, subdivision 1, and by adding a subdivision; 356.24, subdivision 1; and 518.58, subdivision 4; Laws 1990, chapter 570, article 10, section 7; proposing coding for new law in Minnesota Statutes, chapter 354B; repealing Minnesota Statutes 1992, section 354B.02, subdivision 3.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for April 12, 1993, be amended to read:

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

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

S.F. No. 773: A bill for an act relating to transportation; allocating funding for town bridges replaced by culverts when replacement does not exceed \$20,000; amending Minnesota Statutes 1992, section 161.082, subdivision 2a.

Reports the same back with the recommendation that the report from the Committee on Transportation and Public Transit, shown in the Journal for April 12, 1993, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass”. Amendments adopted. Report adopted.

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

S.F. No. 391: A bill for an act relating to education; making superintendents and principals at-will positions in school districts; amending Minnesota Statutes 1992, sections 123.34, subdivisions 9 and 10; and 125.12, subdivision 1.

Reports the same back with the recommendation that the report from the Committee on Education, shown in the Journal for April 12, 1993, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass”. Amendments adopted. Report adopted.

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

S.F. No. 610: A bill for an act relating to economic development; adding the executive director of the higher education coordinating board to the Minnesota job skills partnership board; authorizing the use by the job skills partnership board of funds from any source for grants and dissemination of information; amending Minnesota Statutes 1992, sections 116L.03, subdivision 2; and 116L.05, by adding a subdivision.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for April 7, 1993, be amended to read:

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

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

S.F. No. 900: A bill for an act relating to health; implementing recommendations of the Minnesota health care commission; defining and regulating integrated service networks; requiring regulation of all health care services not provided through integrated service networks; establishing data reporting and collection requirements; establishing other cost containment measures; providing for voluntary public commitments by health plans and providers to limit the rate of growth in total revenues; requiring certain studies; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 3.732, subdivision 1; 62A.021, subdivision 1; 62A.65; 62C.16, by adding a subdivision; 62E.02, subdivision 23; 62E.10, subdivisions 1 and 3; 62E.11, subdivision 12; 62J.03, subdivisions 6, 8, and by adding a subdivision; 62J.04, subdivisions 1, 2, 3, 4, 5, 7, and by adding a subdivision; 62J.05, by adding a subdivision; 62J.09, subdivisions 2, 5, 8, and by adding a subdivision; 62J.15, subdivisions 1 and 2; 62J.17, subdivision 2, and by adding subdivisions; 62J.23, by adding a subdivision; 62J.30, subdivisions 1, 6, 7, and 8; 62J.32, subdivision 4; 62J.33; 62J.34, subdivisions 2 and 3; 62L.02, subdivisions 16, 26, and 27; 62L.03, subdivisions 3 and 4; 62L.04, subdivision 1; 62L.05, subdivisions 4 and 6; 62L.09, subdivision 1; 136A.1355, subdivisions 1, 3, 4, and by adding a subdivision; 136A.1356, subdivisions 2 and 5; 136A.1357, subdivisions 1 and 4; 137.38, subdivisions 2, 3, and 4; 137.39, subdivisions 2 and 3; 137.40, subdivision 3; 144.1484, subdivisions 1 and 2; 144.335, by adding a subdivision; 214.16, subdivision 3; 256.9351, subdivision 3; 256.9353; 256.9354, subdivisions 1 and 4; 256.9356, subdivisions 1 and 2; 256.9357, subdivision 1; 256.9657, subdivision 3; 256B.057, subdivision 1; 295.50, subdivisions 3, 4, 7, and by adding subdivisions; 295.51, subdivision 1; 295.52, by adding subdivisions; 295.53, subdivision 1; 295.55, subdivision 4; 295.58; and 295.59; proposing coding for new law in Minnesota Statutes, chapters 16B; 62J; 137; 256; and 295; proposing coding for new law as Minnesota Statutes, chapters 62N; and 62O; repealing Minnesota Statutes 1992, sections 62J.17, subdivisions 4, 5, and 6; 62J.29; 62L.09, subdivision 2; 295.50, subdivision 10; and 295.51, subdivision 2; Laws 1992, chapter 549, article 9, section 19, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Taxes and Tax Laws, shown in the Journal for April 12, 1993, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Health Care". Amendments adopted. Report adopted.

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

S.F. No. 938: A bill for an act relating to commerce; modifying the definition of business license; regulating residential building contractors and

remodelers; providing licensing requirements; prescribing the powers and duties of the commissioner; establishing a contractor's recovery fund; amending Minnesota Statutes 1992, sections 116J.70, subdivision 2a; 326.83, subdivisions 4, 6, 7, 8, 10, and by adding subdivisions; 326.84, subdivisions 1 and 3; 326.85, subdivision 1; 326.86; 326.87, subdivision 2; 326.88; 326.89, subdivisions 2, 3, and by adding subdivisions; 326.90; 326.91, subdivisions 1 and 2; 326.92, subdivisions 1 and 3; 326.93, subdivision 1; 326.94, subdivision 2; 326.97, subdivision 1, and by adding a subdivision; 326.99; and 326.991; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 1992, sections 326.84, subdivision 2; 326.94, subdivision 1; and 326.991, subdivision 1.

Reports the same back with the recommendation that the report from the Committee on Commerce and Consumer Protection, shown in the Journal for April 12, 1993, be amended to read:

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

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

S.F. No. 190: A bill for an act relating to government data practices; providing that criminal history data is public; providing that a record of conviction of certain crimes prevents an individual from obtaining a foster care license; amending Minnesota Statutes 1992, sections 13.87, subdivision 2; and 245A.04, 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. Minnesota Statutes 1992, section 13.46, subdivision 4, is amended to read:

Subd. 4. [LICENSING DATA.] (a) As used in this subdivision:

(1) "licensing data" means all data collected, maintained, used, or disseminated by the welfare system pertaining to persons licensed or registered or who apply for licensure or registration or who formerly were licensed or registered under the authority of the commissioner of human services;

(2) "client" means a person who is receiving services from a licensee or from an applicant for licensure; and

(3) "personal and personal financial data" means social security numbers, identity of and letters of reference, insurance information, reports from the bureau of criminal apprehension, health examination reports, and social/home studies.

(b) Except as provided in paragraph (c), the following data are public: name, address, telephone number of licensees, licensed capacity, type of client preferred, variances granted, type of dwelling, name and relationship of other family members, previous license history, class of license, and the existence and status of complaints. When disciplinary action has been taken against a licensee or the complaint is resolved, the following data are public:

the substance of the complaint, the findings of the investigation of the complaint, the record of informal resolution of a licensing violation, orders of hearing, findings of fact, conclusions of law, and specifications of the final disciplinary action contained in the record of disciplinary action.

The following data on persons licensed under section 245A.04 to provide family day care for children, child care center services, foster care for children in the provider's home; or foster care or day care services for adults in the provider's home, are public: the nature of any disqualification set aside under section 245A.04, subdivision 3b, and the reasons for setting aside the disqualification; and the reasons for granting any variance under section 245A.04, subdivision 9.

(c) The following are private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial data on family day care program and family foster care program applicants and licensees and their family members who provide services under the license.

(d) The following are private data on individuals: the identity of persons who have made reports concerning licensees or applicants that appear in inactive investigative data, and the records of clients or employees of the licensee or applicant for licensure whose records are received by the licensing agency for purposes of review or in anticipation of a contested matter. The names of reporters under sections 626.556 and 626.557 may be disclosed only as provided in section 626.556, subdivision 11, or 626.557, subdivision 12.

(e) Data classified as private, confidential, nonpublic, or protected nonpublic under this subdivision become public data if submitted to a court or administrative law judge as part of a disciplinary proceeding in which there is a public hearing concerning the disciplinary action.

(f) Data generated in the course of licensing investigations that relate to an alleged violation of law are investigative data under subdivision 3.

(g) Data that are not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report as defined in section 626.556, subdivision 2, are subject to the destruction provisions of section 626.556, subdivision 11.

Sec. 2. Minnesota Statutes 1992, section 13.87, subdivision 2, is amended to read:

Subd. 2. [CLASSIFICATION.] Criminal history data maintained by agencies, political subdivisions and statewide systems are classified as private, pursuant to section 13.02, subdivision 12, *except that data created, collected, or maintained by the bureau of criminal apprehension that identify an individual who was convicted of a crime and the offense of which the individual was convicted are public data.*

Sec. 3. Minnesota Statutes 1992, section 245A.04, subdivision 3b, is amended to read:

Subd. 3b. [RECONSIDERATION OF DISQUALIFICATION.] (a) Within 30 days after receiving notice of disqualification under subdivision 3a, the individual who is the subject of the study may request reconsideration of the notice of disqualification. The individual must submit the request for

reconsideration to the commissioner in writing. The individual must present information to show that:

(1) the information the commissioner relied upon is incorrect; or

(2) the subject of the study does not pose a risk of harm to any person served by the applicant or license holder.

(b) The commissioner may set aside the disqualification if the commissioner finds that the information the commissioner relied upon is incorrect or the individual does not pose a risk of harm to any person served by the applicant or license holder. The commissioner shall review the consequences of the event or events that could lead to disqualification, *whether there is more than one disqualifying event*, the vulnerability of the victim at the time of the event, the time elapsed without a repeat of the same or similar event, and documentation of successful completion by the individual studied of training or rehabilitation pertinent to the event. *In reviewing a disqualification, the commissioner shall give preeminent weight to the safety of each person to be served by the license holder or applicant over the interests of the license holder or applicant.*

(c) *Unless the information the commissioner relied on in disqualifying an individual is incorrect, the commissioner may not set aside the disqualification of an individual who seeks a license to provide family day care for children, foster care for children in the provider's own home, or foster care or day care services for adults in the provider's own home if:*

(1) less than ten years have passed since the discharge of the sentence imposed for the offense; and the individual has been convicted of a violation of section 609.20 (manslaughter in the first degree), 609.205 (manslaughter in the second degree), 609.21 (criminal vehicular homicide), 609.215 (aiding suicide or aiding attempted suicide), 609.221 to 609.2231 (felony violations of assault in the first, second, third, or fourth degree), 609.713 (terroristic threats), 609.285 (use of drugs to injure or to facilitate crime), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.25 (kidnapping), 609.255 (false imprisonment), 609.561 or 609.562 (arson in the first or second degree), 609.71 (riot), 609.582 (burglary in the first or second degree), 609.66 (reckless use of a gun or dangerous weapon or intentionally pointing a gun at or towards a human being), 609.665 (setting a spring gun), 609.67 (unlawfully owning, possessing, or operating a machine gun), 152.021 or 152.022 (controlled substance crime in the first or second degree), 152.023, subdivision 1, clause (3) or (4), or subdivision 2, clause (4) (controlled substance crime in the third degree), 152.024, subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree), 609.228 (great bodily harm caused by distribution of drugs), 609.23 (mistreatment of persons confined), 609.231 (mistreatment of residents or patients), 609.265 (abduction), 609.2664 to 609.2665 (manslaughter of an unborn child in the first or second degree), 609.267 to 609.2672 (assault of an unborn child in the first, second, or third degree), 609.268 (injury or death of an unborn child in the commission of a crime), 617.293 (disseminating or displaying harmful material to minors), 609.378 (neglect or endangerment of a child), 609.377 (a gross misdemeanor offense of malicious punishment of a child); or an attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state, the elements of which are substantially similar to the elements of any of the foregoing offenses;

(2) regardless of how much time has passed since the discharge of the sentence imposed for the offense, the individual was convicted of a violation of sections 609.185 to 609.195 (murder in the first, second, or third degree), 609.2661 to 609.2663 (murder of an unborn child in the first, second, or third degree), 609.377 (a felony offense of malicious punishment of a child), 609.322 (soliciting, inducement, or promotion of prostitution), 609.323 (receiving profit derived from prostitution), 609.342 to 609.345 (criminal sexual conduct in the first, second, third, or fourth degree), 609.352 (solicitation of children to engage in sexual conduct), 617.245 (use of minors in a sexual performance), 617.247 (possession of pictorial representations of a minor), 609.365 (incest), or an offense in any other state, the elements of which are substantially similar to any of the foregoing offenses;

(3) within the seven years preceding the study, the individual committed an act that constitutes maltreatment of a child under section 626.556, subdivision 10e, and that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence; or

(4) within the seven years preceding the study, the individual was determined under section 626.557 to be the perpetrator of a substantiated incident of abuse of a vulnerable adult that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence.

In the case of any ground for disqualification under clauses (1) to (4), if the act was committed by an individual other than the applicant or license holder residing in the applicant's or license holder's home, the applicant or license holder may seek reconsideration when the individual who committed the act no longer resides in the home.

The disqualification periods provided under clauses (1), (3), and (4) are the minimum applicable disqualification periods. The commissioner may determine that an individual should continue to be disqualified from licensure because the license holder or applicant poses a risk of harm to a person served by that individual after the minimum disqualification period has passed.

(e) (d) The commissioner shall respond in writing to all reconsideration requests within 15 working days after receiving the request for reconsideration. If the disqualification is set aside, the commissioner shall notify the applicant or license holder in writing of the decision.

(d) (e) Except as provided in subdivision 3c, the commissioner's decision to grant or deny a reconsideration of disqualification under this subdivision, or to set aside or uphold the results of the study under subdivision 3, is the final administrative agency action.

Sec. 4. [EFFECTIVE DATE; APPLICATION.]

Sections 1 and 3 are effective the day after final enactment. Section 2 is effective December 31, 1993.

Section 3, paragraph (c), clauses (1), except in the case of conviction for neglect or endangerment of a child, (3), and (4), apply only to initial license applications made on or after that date.

As soon as practicable but not later than one year after the effective date of this section, the commissioner shall review all disqualifications which were set aside under Minnesota Statutes, section 245A.04, subdivision 3b, and all variances which were granted under Minnesota Statutes, section 245A.04, subdivision 9, before the effective date of this section in the case of:

(1) a license holder who holds a type of license listed in Minnesota Statutes, section 245A.04, subdivision 3b, paragraph (c);

(2) a license holder who obtained such a license before the effective date of this section; and

(3) a license holder, an individual residing in the license holder's home, or an employee of the license holder who:

(i) was convicted of a crime listed in Minnesota Statutes, section 245A.04, subdivision 3b, paragraph (c), clause (1); or

(ii) was found to be the perpetrator of substantiated maltreatment or abuse under Minnesota Statutes, section 245A.04, subdivision 3b, paragraph (c), clause (3) or (4).

The purpose of the review is to determine whether the license holder or anyone residing in the license holder's home poses any risk of harm to any person served by the license holder. In conducting this review the commissioner must give preeminent weight to the safety of each person served by the license holder over the interests of the license holder."

Delete the title and insert:

"A bill for an act relating to government data practices; providing that certain criminal conviction data are public; providing that a record of conviction of certain crimes and other determinations disqualify an individual from obtaining certain human services licenses; providing for access to certain data on day care and foster care licensees; amending Minnesota Statutes 1992, sections 13.46, subdivision 4; 13.87, subdivision 2; and 245A.04, subdivision 3b."

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

Ms. Reichgott from the Committee on Judiciary, to which was referred

S.F. No. 415: A bill for an act relating to housing; requiring owner to furnish a tenant with a copy of a written lease; requiring disclosure of inspection and condemnation orders; clarifying a tenant's abandonment of property; modifying procedure for tenant file disclosure by tenant screening services; modifying low-income housing; providing penalties; amending Minnesota Statutes 1992, sections 504.22, subdivision 2; 504.24; 504.29, by adding a subdivision; 504.30, subdivisions 1 and 4; 504.33, subdivision 5; 504.34, subdivisions 1 and 2; 566.17, subdivision 3; and 566.18, subdivisions 2 and 7; proposing coding for new law in Minnesota Statutes, chapter 504.

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

Delete everything after the enacting clause and insert:

"Section 1. [504.012] [WRITTEN LEASE REQUIRED.]

An owner of a multiunit building, with 12 or more residential units, shall have a written lease for each unit rented to a residential tenant. The definitions of "owner," "tenant," and "building" in section 566.18 apply to this section.

Sec. 2. [504.015] [TENANT TO BE GIVEN COPY OF LEASE.]

Subdivision 1. [DEFINITIONS.] The definitions of "owner" and "tenant" in section 566.18 apply to this section.

Subd. 2. [COPY OF WRITTEN LEASE TO TENANT.] An owner shall give a tenant a copy of a written lease within ten days after it is signed by the tenant.

Subd. 3. [LEGAL ACTION TO ENFORCE LEASE.] In any legal action to enforce a written lease, except for nonpayment of rent, disturbing the peace, malicious destruction of property, or a violation of section 504.181, it is a defense for the tenant to establish that the owner failed to comply with subdivision 2. This defense may be overcome if the owner establishes that the tenant had actual knowledge of the term or terms of the lease upon which the legal action is based.

Sec. 3. Minnesota Statutes 1992, section 504.22, subdivision 2, is amended to read:

Subd. 2. (a) There shall be disclosed to the tenant either in the rental agreement or otherwise in writing prior to commencement of the tenancy the name and address of:

(1) the person authorized to manage the premises; and

(2) an owner of the premises or an agent authorized by the owner to accept service of process and receive and give receipt for notices and demands.

(b) Except as otherwise provided in paragraphs (d) to (g), the disclosure described in paragraph (c) must be made to a tenant, or to a person before starting a tenancy, when:

(1) an owner of a building receives notice of a contract for deed cancellation under section 559.21 or notice of a mortgage foreclosure sale under chapter 580 or 582; or

(2) an owner of a manufactured home receives notice of repossession under chapter 325G or 336.

The disclosure must be made before the owner signs a lease or accepts rent or a security deposit from a tenant or a prospective tenant.

(c) The disclosure under paragraph (b) must specify:

(1) the date of the foreclosure sale or contract for deed cancellation;

(2) the time allowed for redemption by the mortgagor's personal representatives or assigns in the case of a foreclosure;

(3) the date by which the tenant must vacate the premises; and

(4) the name of the mortgagor and the mortgagee, and any assignee of the

mortgagee, or the name of the person who holds the contract for deed, if requested by a tenant or prospective tenant.

For purposes of this subdivision, the term "building" does not include a manufactured home park as defined in section 327C.01, subdivision 5.

(d) An owner of a building or manufactured home is not required to disclose notice of a mortgage foreclosure sale, contract for deed cancellation, or repossession under paragraphs (b) and (c) when:

(1) the owner enters into a lease agreement that does not extend past the cancellation period or owner's period of redemption;

(2) in the case of a contract for deed cancellation, the owner is able to cure the default within 30 days of the cancellation notice;

(3) the mortgagee or contract holder notifies the owner in writing that:

(i) leases existing at the end of the cancellation period or owner's period of redemption will be honored for the term of the lease; the mortgagee's or contract holder's notification to the owner may establish minimum rental rates, length of tenancy, or other terms and conditions for honoring leases that are new or renewed after the date of the notification; and

(ii) tenancies on a month-to-month basis will not be terminated at the end of the cancellation period or owner's period of redemption provided the terms of the tenancy meet the minimum rental rates and other terms and conditions established in the mortgagee's or contract holder's notification to the owner; or

(4) a receiver has been appointed under chapters 559 and 576.

(e) Notwithstanding the provisions in paragraph (d), an owner shall always disclose notice of a mortgage foreclosure sale, contract for deed cancellation, or repossession as required under paragraphs (b) and (c) when:

(1) the owner enters into a month-to-month tenancy after a foreclosure sale has occurred; or

(2) the owner enters into a lease agreement with a tenant, knowing that the tenant intends to use AFDC emergency assistance to pay part or all of the security deposit or rent.

(f) If an owner chooses not to abide by any terms and conditions, established by the mortgagee or contract holder under paragraph (d), clause (3), the owner must disclose notice of the foreclosure sale, contract for deed cancellation, or repossession as required under paragraphs (b) and (c).

(g) Except as provided in paragraph (d), if an owner, agent, or other person acting under the owner's direction or control has failed to disclose notice of the mortgage foreclosure sale, contract for deed cancellation, or repossession, as required under paragraphs (b) and (c), the tenant is entitled to remedies provided by section 8.31, subdivision 3a, and other equitable relief as determined by the court.

Sec. 4. [504.246] [DISCLOSURE REQUIRED FOR OUTSTANDING INSPECTION AND CONDEMNATION ORDERS.]

Subdivision 1. [DISCLOSURE TO TENANT.] (a) Except as provided in subdivision 3, a landlord, agent, or person acting under the landlord's

direction or control shall provide a copy of all outstanding inspection orders pertaining to a rental unit or common areas specifying code violations issued under section 566.19 that the housing inspector identifies as requiring notice because the violations threaten the health or safety of the tenant, and all outstanding condemnation orders and declarations that the premises are unfit for human habitation to:

(1) a tenant, as defined in section 566.18, either by delivery or by United States mail, postage prepaid, within 72 hours after the time allowed to complete the repairs, including any extension of the deadline, has expired;

(2) a person before signing a lease or paying rent or a security deposit to begin a new tenancy; and

(3) a person prior to obtaining new ownership of the property subject to the order or declaration.

The housing inspector shall indicate on the inspection order whether notice to a tenant or prospective tenant is required under this paragraph.

(b) If an inspection order does not involve code violations that threaten the health or safety of tenants, the landlord, agent, or person acting under the landlord's control shall post a summary of the inspection order in a conspicuous place in each building affected by the inspection order, along with a notice that the inspection order is available for review upon request of a tenant or prospective tenant. Upon request, a copy of the inspection order must be provided or made available for inspection in the building affected by the order.

Subd. 2. [PENALTY.] If the landlord, agent, or person acting under the landlord's direction or control violates this section, the tenant is entitled to remedies provided by section 8.31, subdivision 3a, and other equitable relief as determined by the court.

Subd. 3. [EXCEPTION.] A landlord, agent, or person acting under the landlord's direction or control is not in violation of this section if:

(1) the landlord, agent, or person acting under the landlord's direction or control has received only an initial order to repair;

(2) the time allowed to complete the repairs, including any extension of the deadline, has not yet expired; and

(3) the landlord, agent, or person acting under the landlord's direction or control completes the repairs within the time given to repair, including any extension of the deadline.

Subd. 4. [LANDLORD'S DEFENSE.] It is an affirmative defense in an action brought under this section for the landlord, agent, or person acting under the landlord's control to prove that disclosure was made as required under subdivision 1.

Sec. 5. Minnesota Statutes 1992, section 504.29, is amended by adding a subdivision to read:

Subd. 6. [PROPER IDENTIFICATION.] "Proper identification" means information generally considered sufficient to identify a person, including a Minnesota driver's license, a Minnesota identification card, other forms of identification provided by a unit of government, a notarized statement of

identity with a specimen signature of the person, or other reasonable form of identification.

Sec. 6. Minnesota Statutes 1992, section 504.30, subdivision 1, is amended to read:

Subdivision 1. [DISCLOSURES REQUIRED.] (a) Upon request and proper identification, a tenant screening service must disclose the following information to an individual:

(1) the nature and substance of all information in its files on the individual at the time of the request; and

(2) the sources of the information.

A tenant screening service must make the disclosures to an individual without charge if information in a tenant report has been used within the past 30 days to deny the rental or increase the security deposit or rent of a residential housing unit to the individual. If the tenant report has not been used to deny the rental or increase the rent or security deposit of a residential housing unit within the past 30 days, the tenant screening service may impose a reasonable charge for making the disclosure required under this section. The tenant screening service must notify the tenant of the amount of the charge before furnishing the information. The charge may not exceed the amount that the tenant screening service would impose on each designated recipient of a tenant report, except that no charge may be made for notifying persons of the deletion of information which is found to be inaccurate or which can no longer be verified.

(b) *Files maintained on a tenant must be disclosed promptly as established in clauses (1) to (4).*

(1) *A tenant file must be disclosed in person, at the location where the tenant screening service maintains its files, if the tenant appears in person and furnishes proper identification at that time.*

(2) *A tenant file must be disclosed by mail, if the tenant makes a written request with proper identification for a copy of the information contained in the tenant report and requests that the information be sent to a specified address. A disclosure made under this clause must be deposited in the United States mail, postage prepaid, within five business days after the written request for disclosure is received by the tenant screening service. A tenant screening service complying with a request for disclosure under this clause is not liable for disclosures to third parties caused by mishandling mail, provided that the tenant file information is mailed to the address specified by the tenant in the request.*

(3) *A summary of the information in a tenant file must be disclosed by telephone, if the tenant has made a written request with proper identification for telephone disclosure.*

(4) *Information in a tenant's file required to be disclosed in writing under this subdivision may be disclosed in any other form including electronic means if authorized by the tenant and available from the tenant screening service.*

Sec. 7. Minnesota Statutes 1992, section 504.33, subdivision 5, is amended to read:

Subd. 5. [LOW-INCOME HOUSING.] (a) "Low-income housing" means either:

(1) rental housing with a rent less than or equal to 30 percent of 50 percent of the median income for the county in which the rental housing is located, adjusted by size; or

(2) rental housing occupied by households with income below 50 percent of the median income for the county in which the rental housing is located, adjusted by size.

Clause (2) does not apply in Minneapolis and St. Paul unless the vacancy rate in the city is three percent or less.

(b) "Low-income housing" also includes rental housing that has been vacant for less than two years, that was low-income housing when it was last occupied, and that is not condemned as being unfit for human habitation by the applicable government unit.

Sec. 8. Minnesota Statutes 1992, section 504.34, subdivision 1, is amended to read:

Subdivision 1. [ANNUAL REPORT REQUIRED.] A government unit shall prepare ~~an annual~~ a housing impact report either:

(1) for each year in which the government unit displaces ten or more units of low-income housing in a city of the first class as defined in section 410.01; or

(2) when a specific project undertaken by a government unit for longer than one year displaces a total of ten or more units of low-income housing in a city of the first class as defined in section 410.01.

Sec. 9. Minnesota Statutes 1992, section 504.34, subdivision 2, is amended to read:

Subd. 2. [DRAFT ANNUAL HOUSING IMPACT REPORT.] A government unit subject to this section must prepare a draft annual housing impact report for review and comment by interested persons. The draft report must be completed by January 31 of the year immediately following a year in which the government unit has displaced ten or more units of low-income housing in a city. *For a housing impact report required under subdivision 1, clause (2), the draft report must be completed by January 31 of the year immediately following the year in which the government unit has displaced a cumulative total of ten units of low-income housing in a city.*

Sec. 10. Minnesota Statutes 1992, section 566.18, subdivision 2, is amended to read:

Subd. 2. [TENANT.] "Tenant" means any person who is occupying a dwelling in a building as defined in subdivision 7, under any agreement, lease, or contract, whether oral or written, and for whatever period of time, which requires the payment of ~~moneys~~ money or exchange of services as rent for the use of the dwelling unit, and all other regular occupants of that dwelling unit, and any resident of a manufactured home park.

Sec. 11. Minnesota Statutes 1992, section 566.18, subdivision 7, is amended to read:

Subd. 7. [BUILDING.] "Building" means:

(a) ~~any~~ a building used in whole or in part as a dwelling, including single family homes, multiple family units such as apartments, and structures containing both dwelling units and units used for nondwelling purposes, and also includes a manufactured home park, or

(b) ~~any~~ an unoccupied building which was previously used in whole or in part as a dwelling and which constitutes a nuisance under section 561.01.

Sec. 12. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1993, for new or renewed tenancy beginning on or after August 1, 1993."

Delete the title and insert:

"A bill for an act relating to housing; requiring owner to furnish a tenant with a copy of a written lease; requiring disclosure of contract for deed cancellation or mortgage foreclosure sale; requiring disclosure of inspection and condemnation orders; modifying procedure for tenant file disclosure by tenant screening services; modifying low-income housing; providing penalties; amending Minnesota Statutes 1992, sections 504.22, subdivision 2; 504.29, by adding a subdivision; 504.30, subdivision 1; 504.33, subdivision 5; 504.34, subdivisions 1 and 2; and 566.18, subdivisions 2 and 7; proposing coding for new law in Minnesota Statutes, chapter 504."

And when so amended the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development. Amendments adopted. Report adopted.

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 1332: A bill for an act relating to children; foster care and adoption placement; specifying time limits for compliance with placement preferences; setting standards for changing out-of-home placement; requiring notice of certain adoptions; amending Minnesota Statutes 1992, sections 257.071, subdivision 1a; 259.255; 259.28, subdivision 2; 259.455; and 260.181, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 259.

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 1992, section 257.071, is amended by adding a subdivision to read:

Subd. 1b. [LIMIT ON MULTIPLE PLACEMENTS.] If a child has been placed out of the home of the parent or parents pursuant to a court order under section 260.191, the social service agency responsible for the residential facility placement for the child may not change the child's foster care placement more than one time unless the agency specifically documents that the current placement is unsuitable or another placement is in the best interests of the child. This subdivision does not apply if the new placement is in an adoptive home or other permanent placement.

Sec. 2. Minnesota Statutes 1992, section 257.071, is amended by adding a subdivision to read:

Subd. 2a. [ABANDONMENT; TERMINATION OF PARENTAL RIGHTS PETITION.] If the social service agency responsible for the placement of a child finds that abandonment of the child by a parent may be presumed under section 260.221, subdivision 1, paragraph (b), clause (1), the agency shall file a petition for termination of parental rights under section 260.231.

Sec. 3. Minnesota Statutes 1992, section 257.072, subdivision 1, is amended to read:

Subdivision 1. [RECRUITMENT OF FOSTER FAMILIES.] Each authorized child placing agency shall make special efforts to recruit a foster family from among the child's relatives, except as authorized in section 260.181, subdivision 3, and among families of the same minority racial or minority ethnic heritage. Special efforts include contacting and working with community organizations and religious organizations *and which may include contracting with these organizations*, utilizing local media and other local resources, conducting outreach activities, and increasing the number of minority recruitment staff employed by the agency. *The requirement of special efforts to recruit a foster family from among the child's relatives is satisfied if the efforts have continued for six months.* The agency may accept any gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

Sec. 4. Minnesota Statutes 1992, section 257.072, is amended by adding a subdivision to read:

Subd. 9. [RULES.] The commissioner of human services shall adopt rules to establish standards for conducting relative searches and determining the suitability of proposed relative placements. The standards need not impose on relatives all the requirements for foster care licensing but must ensure that the child's health, safety, and welfare are safeguarded.

Sec. 5. Minnesota Statutes 1992, section 259.455, is amended to read:

259.455 [FAMILY RECRUITMENT.]

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

Sec. 6. Minnesota Statutes 1992, section 260.191, subdivision 1d, is amended to read:

Subd. 1d. [PARENTAL VISITATION.] If the court orders that the child be placed outside of the child's home or present residence, it shall set reasonable rules for supervised or unsupervised parental visitation that contribute to the objectives of the court order and the maintenance of the familial relationship. No parent may be denied visitation unless the court finds at the disposition hearing that the visitation would act to prevent the achievement of the order's objectives or that it would endanger the child's physical or emotional well-being. *The court shall set reasonable rules for visitation for any relatives*

as defined in section 260.181, subdivision 3, if visitation is consistent with the best interests of the child.

Sec. 7. Minnesota Statutes 1992, section 260.191, subdivision 2, is amended to read:

Subd. 2. [ORDER DURATION.] *Subject to section 260.191, subdivision 3a, all orders under this section shall be for a specified length of time set by the court not to exceed one year. However, before the order has expired and upon its own motion or that of any interested party, the court shall, after notice to the parties and a hearing, renew the order for another year or make some other disposition of the case, until the individual is no longer a minor. Any person to whom legal custody is transferred shall report to the court in writing at such periods as the court may direct.*

Sec. 8. Minnesota Statutes 1992, section 260.191, is amended by adding a subdivision to read:

Subd. 3a. [COURT REVIEW OF OUT-OF-HOME PLACEMENTS.] *If the court places a child out of the home of the parent or parents pursuant to an order under this section, including a continuance under subdivision 4, the court shall review the out-of-home placement at least every six months to determine whether continued out-of-home placement is necessary and appropriate or whether the child should be returned to the parent. The court shall review agency efforts pursuant to section 257.072, subdivision 1, and order that the efforts continue if the agency has failed to perform the duties under that section. The court shall review the case plan and may modify the case plan as provided under subdivisions 1e and 2. If the court orders continued out-of-home placement, the court shall notify the parents of the provisions of section 260.191, subdivision 3b.*

Sec. 9. Minnesota Statutes 1992, section 260.191, is amended by adding a subdivision to read:

Subd. 3b. [REVIEW OF COURT ORDERED PLACEMENTS; PERMANENT PLACEMENT DETERMINATION.] *For any child placed outside of the home pursuant to section 260.191, the court shall conduct a hearing to determine the future status of the child not later than 12 months after the order. The court shall determine whether the child is to be returned to the parent or, if not, whether the child should be placed permanently in the following order of priority consistent with the child's best interests:*

- (1) with relatives either through an award of legal custody or adoption;*
- (2) with adoptive parent or parents; and*
- (3) long-term foster care.*

The court may extend the time period for determination of permanent placement to 18 months after the order when:

- (1) there is a substantial probability that the child will be returned to the home of the parent or parents within the next six months; or*
- (2) the agency has not made reasonable, or in the case of an Indian child, active efforts to correct the conditions that form the basis of the out-of-home placement. The "best interests of the child" means all relevant factors to be considered and evaluated. These factors must include, but are not limited to:*

- (i) *the wishes of the genetic parent or parents as to placement;*
- (ii) *the relationship between the child and relatives, and the child and any other person who may significantly affect the child's best interests;*
- (iii) *the child's adjustment to home, school, and community and the ability to adjust to a proposed home, school, and community;*
- (iv) *the child's religious, racial, or ethnic background;*
- (v) *in cases where the prospective adoptive parent or parents are not of the same religious, racial, or ethnic background, the ability of the proposed family to be appreciative of and knowledgeable about, the child's religious, racial, or ethnic heritage, and to continue raising and educating the child in that heritage;*
- (vi) *the capacity and disposition of the proposed family to give the child love, affection, and guidance;*
- (vii) *the reasonable preference of the child, if the court deems the child of sufficient age to express a preference; and*
- (viii) *the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity and stability for the child.*

Sec. 10. Minnesota Statutes 1992, section 260.221, subdivision 1, is amended to read:

Subdivision 1. [VOLUNTARY AND INVOLUNTARY.] The juvenile court may upon petition, terminate all rights of a parent to a child in the following cases:

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

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

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

(i) the parent has had no contact ~~or merely incidental contact~~ with the child *on a regular basis and no demonstrated, consistent interest in the child's well-being for six months in the case of a child under six years of age, or for 12 months in the case of a child ages six to 14; and*

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

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

the social service agency have failed to correct the conditions that formed the basis of the petition; or

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

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

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

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

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

(i) a child under the age of 12 has resided out of the parental home under court order for more than one year following an adjudication of dependency, neglect, need for protection or services under section 260.015, subdivision 2a, clause (1), (2), (6), (8), or (9), or neglected and in foster care, and an order for disposition under section 260.191, including adoption of the case plan required by section 257.071;

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

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

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

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

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

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

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

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

(v) the parent continues to abuse chemicals.

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

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

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

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

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

Sec. 11. [REPORT.]

The commissioner of human services shall prepare a report for the legislature which includes a comprehensive plan to ensure compliance by county social services departments with the foster care and adoption placement statutes and rules. This report shall provide both incentives and sanctions for county compliance and also address the feasibility of providing hearings for families affected by the foster care and adoption rules and statutes in the administrative process. The report is due by February 15, 1994."

Delete the title and insert:

"A bill for an act relating to children; providing time periods for permanent dispositions involving children in need of protection or services; limiting multiple foster care placements; defining special efforts for relative searches; establishing standards for a finding of abandonment; amending Minnesota Statutes 1992, sections 257.071, by adding subdivisions; 257.072, subdivision 1, and by adding a subdivision; 259.455; 260.191, subdivisions 1d, 2, and by adding subdivisions; and 260.221, subdivision 1."

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

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

S.F. No. 1046: A bill for an act relating to crimes; prohibiting persons from interfering with access to medical facilities; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

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 1992, section 488A.101, is amended to read:

488A.101 [COUNTY ATTORNEY AS PROSECUTOR, NOTICE TO COUNTY.]

A municipality or other subdivision of government seeking to use the county attorney for violations enumerated in section 488A.10, subdivision 11 shall notify the county board of its intention to use the services of the county attorney at least 60 days prior to the adoption of the board's annual budget each year. *A municipality may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense on a case-by-case basis.*

Sec. 2. [609.749] [INTERFERENCE WITH ACCESS TO MEDICAL FACILITIES; PENALTY.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) *“Medical facility” means a hospital or other health institution licensed under sections 144.50 to 144.56 or defined in section 144.561, or an agency, clinic, or office operated under the direction of the commissioner of health or a community health board, as defined in section 145A.02.*

(b) *“Person” does not include:*

- (1) the chief executive officer of the medical facility;*
- (2) a designee of the chief executive officer of the medical facility;*
- (3) an agent of the medical facility; or*
- (4) a law enforcement officer.*

Subd. 2. [OBSTRUCTING ACCESS PROHIBITED.] A person is guilty of a gross misdemeanor who intentionally and physically obstructs or attempts to obstruct any individual's access to or from a medical facility.

Subd. 3. [NOT APPLICABLE.] Nothing in this section shall be construed to impair the right of any individual or group to engage in speech protected by the United States Constitution, the Minnesota Constitution, or federal or state law, including but not limited to peaceful and lawful picketing.

Subd. 4. [CIVIL REMEDIES.] (a) A party who is aggrieved by an act prohibited by this section may bring an action for damages, injunctive or declaratory relief, as appropriate, in district court against any person or entity who has violated or has conspired to violate this section.

(b) A party who prevails in a civil action under this subdivision is entitled to recover from the violator damages, costs, attorney fees, and other relief as

determined by the court. In addition to all other damages, the court may award to the aggrieved party a civil penalty of up to \$1,000 for each violation.

(c) The remedies provided by this subdivision are in addition to any other legal or equitable remedies the aggrieved party may have and are not intended to diminish or substitute for those remedies or to be exclusive.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment and apply to acts committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; prohibiting persons from interfering with access to medical facilities; prescribing penalties; authorizing civil and equitable remedies; amending Minnesota Statutes 1992, section 488A.101; proposing coding for new law in Minnesota Statutes, chapter 609."

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

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 286: A bill for an act relating to elections; providing for a voter information program; appropriating money; amending Minnesota Statutes 1992, sections 204B.27, by adding subdivisions; and 211B.06, subdivision 2.

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

Pages 1 and 2, delete section 1

Page 2, line 28, delete "9" and insert "8"

Page 3, delete section 3

Page 3, line 11, delete "sections 1 and 2" and insert "section 1"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "sections" and insert "section"

Page 1, delete line 5 and insert "a subdivision."

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

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 421: A bill for an act relating to towns; providing that town elections may take place on the general election day; amending Minnesota Statutes 1992, sections 365.51, subdivisions 1 and 3; and 365.59.

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

Page 2, line 8, after "shortened" insert "terms"

Page 2, line 9, delete "lengthened" and after "terms" insert "that have been lengthened from March to November of the same year".

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

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 754: A bill for an act relating to elections; requiring annual removal of registration cards of deceased registrants; requiring annual update of the statewide registration system; amending Minnesota Statutes 1992, section 201.13.

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 1992, section 201.13, is amended to read:

201.13 [~~VOTER REGISTRATION CARD REMOVAL REPORT OF DECEASED VOTERS; CHANGES TO VOTER RECORDS.~~]

Subdivision 1. [~~COMMISSIONER OF HEALTH, REPORTS OF DECEASED RESIDENTS.~~] The commissioner of health shall report monthly to the secretary of state the name, address, date of birth, and county of residence of each individual 18 years of age or older who has died while maintaining residence in Minnesota since the last previous report. The secretary of state shall determine if any of the persons listed in the report are registered to vote and shall prepare a list of those registrants for each county auditor. *Within 60 days after receiving the list from the secretary of state*, the county auditor shall change the status of those registrants to "deceased" in the statewide registration system. ~~Upon receipt of the list, the county auditor shall and remove from the files the registration cards of the voters reported to be deceased and make the appropriate changes in the statewide registration system.~~

Subd. 2. [~~VOTER REGISTRATION CARD REMOVAL RECORD CHANGES FOR DECEASED NONRESIDENTS.~~] *Within 60 days after receiving notice of death of a voter who has died outside the county*, the county auditor ~~may~~ shall change the voter's status to "deceased" and remove from the files the original and duplicate voter's registration cards of voters who have died outside of the county, after receiving notice of death. Notice must be in the form of a printed obituary or a written statement signed by a registered voter of the county. The county auditor shall also make the appropriate changes in the data base of the central registration system when voter registration cards are removed from the files."

Amend the title as follows:

Page 1, lines 2 and 4, delete "annual"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1423: A bill for an act relating to energy; providing for renewable energy production incentives; providing for low-income consideration in setting certain utility rates; authorizing rulemaking; appropriating money; amending Minnesota Statutes 1992, section 216B.16, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216C.

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

Page 1, delete section 1

Page 2, lines 13 and 14, delete *"The commissioner may adopt rules necessary to implement this section."*

Page 3, line 13, delete "2" and insert "I"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, delete line 4

Page 1, line 5, delete "amending"

Page 1, delete line 6

Page 1, line 7, delete "subdivision;"

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

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

S.F. No. 894: A bill for an act relating to agriculture; imposing licensing requirements for general merchandise storage warehouses; providing bond claim procedures; amending Minnesota Statutes 1992, sections 231.01, by adding a subdivision; 231.11; 231.12; 231.13; 231.14; 231.17; and 231.18; repealing Minnesota Statutes 1992, sections 231.19; 231.20; 231.21; 231.22; 231.23; 231.25; 231.26; 231.27; 231.29; 231.30; 231.31; and 231.33.

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 1992, section 231.01, is amended by adding a subdivision to read:

Subd. 9. [HOUSEHOLD GOODS.] "Household goods" means personal effects and property used or to be used in a dwelling if it is part of the equipment or supply of the dwelling.

Sec. 2. Minnesota Statutes 1992, section 231.11, is amended to read:

231.11 [SCHEDULE OF RATES; *STORING HOUSEHOLD GOODS.*]

In order to insure nondiscriminatory rates and charges for all depositors of household goods, the commissioner shall establish a collective rate-making

procedure which will insure the publication and maintenance of just and reasonable rates and charges under uniform, reasonably related rate structures. These procedures shall provide for the joint consideration, initiation, and establishment of rates and charges, and shall assure that the respective revenues and expenses of warehouse operators engaged in warehouse services for *household goods* are ascertained. Any participating warehouse operator party to a collectively mandated rate or charge has the right to petition the commissioner for the establishment of a rate or charge which deviates from the collectively set rate. Upon receiving the commissioner's approval, that warehouse operator may proceed to establish the requested rate or charge. All warehouse operators subject to rate regulation under this chapter must comply with the commissioner's rate-making procedures. No warehouse operator shall undertake to perform any service, or store any *household goods, wares, or merchandise*, until a schedule of rates has been filed and published in accordance with this chapter. In case of emergency, however, a service or storage not specifically covered by the schedules filed, may be performed or furnished at a reasonable rate, which must then be promptly filed, and which is subject to review in accordance with this chapter.

Sec. 3. Minnesota Statutes 1992, section 231.12, is amended to read:

231.12 [CHANGE OF RATES; *STORING HOUSEHOLD GOODS*.]

Unless the department otherwise orders, no warehouse operator *storing household goods* may change any rate except after ten days' notice to the department and to the public pursuant to this section. Notice shall be given by filing with the department and keeping open for public inspection new schedules or supplements stating plainly the changes to be made in the schedules then in force and the time when the changes will go into effect. The department for good cause shown, may, after hearing, allow changes without requiring the ten days' notice by an order specifying the changes to be made, the time when they shall take effect, and the manner in which they shall be filed and published.

Sec. 4. Minnesota Statutes 1992, section 231.13, is amended to read:

231.13 [CHARGING MORE OR LESS THAN THE PUBLISHED RATE; *STORING HOUSEHOLD GOODS*.]

Except as specified in sections 231.11 and 231.12, no warehouse operator *storing household goods* shall have, demand, collect, or receive, a greater or less or different compensation for any service rendered or for storing any *household goods, wares, or merchandise* than the rates applicable to such service or storage, as specified in the schedules of rates on file with the commissioner and in effect at the time.

When a warehouse operator shall have had *household goods* in store for such a period that the storage charges thereon accumulated are more than such *household goods* would bring at a forced sale, the department, upon written application and proof thereof, may authorize such warehouse operator to compromise such charges for a sum not less than the amount which such *household goods* would bring at such forced sale.

Sec. 5. Minnesota Statutes 1992, section 231.14, is amended to read:

231.14 [DISCRIMINATION IN RATES; *STORING HOUSEHOLD GOODS*.]

Except as herein otherwise specified, no warehouse operator *storing household goods*, or any officer, agent, or employee thereof, shall, directly or indirectly, by remittance, rebate, or any device, inducement, or other means,

suffer or permit any corporation or person to obtain any service, or the storage of any ~~household goods, wares, or merchandise~~, at less than the rates then established and in force as shown by the schedule of rates filed and in effect at the time. No person or corporation shall, directly or indirectly, by any device, inducement, or means, either with or without the consent or connivance of a warehouse operator *storing household goods*, or any of the officers, agents, or employees thereof, obtain, or seek to obtain, any service, or the storage of any ~~household goods, wares, or merchandise~~, at less than the rates then established and in force therefor. Any warehouse operator *storing household goods*, or the officers, agents, or employees thereof, or any person acting for or employed by it, or transacting business with it, or any other person, who shall violate any provision of this section, shall be guilty of a gross misdemeanor; and, upon conviction, subject to imprisonment not exceeding one year or to a fine not exceeding \$3,000, or both.

Sec. 6. Minnesota Statutes 1992, section 231.17, is amended to read:

231.17 [BONDS OF WAREHOUSE OPERATORS.]

Every warehouse operator applying for and receiving a license from the department, as provided for in this chapter, shall file with the department, acceptable to the department, a surety bond to the state of Minnesota. Such bonds shall be in an amount to be determined by the department as reasonable for the applicant but shall not be less than \$10,000 ~~and~~.

The bond shall be conditioned for the faithful discharge of all duties as a warehouse operator operating under this chapter, and full compliance with the laws of the state and rules and orders of the department relative thereto. Failure to maintain the bond as required shall void the license.

The bond must be continuous until canceled. To cancel a bond, the surety must provide 90 days' written notice of the bond's termination date to the licensee and the department.

In lieu of the bond required by this section, the applicant may deposit with the state treasurer cash; a certified check; a cashier's check; a postal, bank, or express money order; assignable bonds or notes of the United States; or an assignment of bank savings account or investment certificate or an irrevocable bank letter of credit as defined in section 336.5-103, in the same amount as would be required for a bond.

Sec. 7. Minnesota Statutes 1992, section 231.18, is amended to read:

231.18 [PROCEEDINGS BEFORE THE DEPARTMENT, HOW COMMENCED CLAIMS AGAINST A BOND.]

Proceedings before the department against any warehouse operator shall be instituted by complaint, ~~verified as pleadings in a civil action, stating in ordinary language the facts constituting the alleged omission or offense. The parties to such proceeding shall be termed, respectively, complainant and respondent. Subdivision 1. [FILING A CLAIM.] A depositor claiming to be damaged by the breach of an agreement to store general merchandise and household goods must file a claim with the department within 180 days of the date of breach.~~

Subd. 2. [FORM OF CLAIM.] All claims must be in writing, must state the facts upon which the claim is based, must include any supporting evidence, and must be signed by the claimant. The supporting evidence may consist of,

but is not limited to, a bill of lading, a warehouse receipt, a contract form, correspondence, or photographs.

Subd. 3. [WHERE TO FILE.] All claims must be filed at the following address: Minnesota Department of Agriculture, Grain Licensing and Auditing Division, 316 Grain Exchange Building, Minneapolis, Minnesota 55415.

Subd. 4. [BOND LIMITATIONS.] The bonds are not cumulative from one year to the next. A claim against the bond may only be made against the bond in effect at the time the agreement is breached. A bond is not liable for claims filed after 180 days from the date of the breach of the bond.

Subd. 5. [PUBLIC NOTICE OF A CLAIM.] Upon determining that a depositor has filed a valid claim, the department shall publish notice of the claim in the official county newspaper of the county in which the licensee's place of business is located.

The notice must state that a claim against the bond of a licensee has been filed with the department, the name and address of the licensee, that any additional claims should be filed with the department, the bond disbursement date, and where the claims should be filed.

The public notice of the claim must appear for three consecutive days in newspapers with a daily circulation and for two consecutive publications in newspapers published less than daily.

Subd. 6. [BOND DISBURSEMENT.] (a) Upon expiration of the claim filing period, the department shall promptly determine the validity of all claims filed and notify the claimants of the determination. An aggrieved party may appeal the department's determination by requesting, within 15 days, that the department initiate a contested case proceeding. In the absence of such a request, or following the issuance of a final order in a contested case, the surety company shall issue payment promptly to those claimants entitled to payment.

(b) If a warehouse operator has become liable to more than one depositor by reason of breaches of the conditions of the bond and the amount of the bond is insufficient to pay the entire liability to all depositors entitled to the protection of the bond, the proceeds of the bond shall be apportioned among the bona fide claimants.

Sec. 8. [STUDY.]

The commissioner shall, after a study of the existing bonding structure and after consultation with the warehousing industry, make recommendation to the legislature by February 1, 1994.

Sec. 9. [REPEALER.]

Minnesota Statutes 1992, sections 231.19; 231.20; 231.21; 231.22; 231.23; 231.25; 231.26; 231.27; 231.29; 231.30; 231.31; and 231.33, are repealed."

Delete the title and insert:

"A bill for an act relating to agriculture; imposing licensing requirements for general merchandise storage warehouses; providing bond claim procedures; amending Minnesota Statutes 1992, sections 231.01, by adding a subdivision; 231.11; 231.12; 231.13; 231.14; 231.17; and 231.18; repealing

Minnesota Statutes 1992, sections 231.19; 231.20; 231.21; 231.22; 231.23; 231.25; 231.26; 231.27; 231.29; 231.30; 231.31; and 231.33."

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

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 338: A bill for an act relating to economic development; creating Minnesota Business Finance, Inc. to provide capital for commercial borrowers through the Small Business Administration; providing for powers and duties of a board of directors and employees; transferring funds from the certified development company established under the department of trade and economic development to the new corporation; proposing coding for new law as Minnesota Statutes, chapter 116S; repealing Minnesota Statutes 1992, sections 41A.065 and 116J.985.

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

Page 1, line 22, delete "ESTABLISHMENT" and insert "PUBLIC CORPORATION"

Page 1, line 23, delete "established as"

Page 2, delete lines 6 to 21 and insert:

"Subd. 3. [BOARD OF DIRECTORS.] The corporation is governed by a board of 14 directors. The membership terms, compensation, removal, and filling of vacancies of public members of the board are governed by section 15.0575 except that the terms of the public members are concurrent. The membership of the board consists of the commissioner of trade and economic development or the commissioner's designee and 13 members who are:

(1) involved in economic development within the state of Minnesota;

(2) selected by the membership of the corporation in accordance with section 4, subdivision 3; and

(3) representative of government, private-sector lending institutions, community organizations, and business organizations as described in Code of Federal Regulation, title 13, section 108.503-1(b)(2), as amended."

Page 2, line 22; delete "5" and insert "4"

Page 2, line 25, delete "6" and insert "5"

Page 2, line 27, delete "7" and insert "6"

Page 2, line 31, delete "9" and insert "8"

Page 3, line 4, delete "8" and insert "7"

Page 3, line 6, delete "7" and insert "6"

Page 3, line 14, delete "9" and insert "8"

Page 3, line 28, delete "10" and insert "9"

Page 3, line 33, delete "11" and insert "10"

Page 4, line 2, after the period, insert "*The executive director's compensation may not exceed 95 percent of the salary of the governor set under section 15A.082.*"

Page 4, line 18, delete "11" and insert "10"

Page 5, delete lines 5 to 13 and insert:

"Subd. 3. [MEMBERSHIP.] *The governor shall appoint at least 25 members of the corporation, who must be representatives of government, private-sector lending institutions, community organizations, and business organizations, as described in Code of Federal Regulations, title 13, section 108.503-1(d), as amended. The membership shall select the members of the board of directors in accordance with section 2, subdivision 3. The board may submit names of persons for consideration by the governor in filling vacancies in the membership under this subdivision.*"

Page 5, line 19, delete "created" and insert "an account"

Page 5, delete line 30

Page 5, line 31, delete "legislature" and insert "*committee on commerce and economic development of the house of representatives and the committee on jobs, energy and community development of the senate*"

Page 6, after line 21, insert:

"Sec. 11. [TERMS OF INITIAL BOARD MEMBERS.]

The terms of the first members of the board of directors selected under section 2, subdivision 3, end on the first Monday in January, 1997."

Renumber the sections in sequence

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

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

H.F. No. 1100: A bill for an act relating to insurance; regulating the health coverage reinsurance association; amending Minnesota Statutes 1992, sections 62L.02, by adding a subdivision; 62L.13, subdivisions 1, 3, and 4; 62L.14, subdivisions 2, 4, 6, and 7; 62L.15, subdivision 2; 62L.16, subdivision 5, and by adding a subdivision; 62L.19; and 62L.20, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1000, 746, 1504, 561, 519, 255, 773, 391, 421, 754 and 894 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 846, 1527, 804, 507, 795, 55, 654, 381, 86 and 1100 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Finn moved that the name of Mr. Merriam be added as a co-author to S.F. No. 1201. The motion prevailed.

Ms. Berglin moved that the name of Ms. Anderson be added as a co-author to S.F. No. 1548. The motion prevailed.

Ms. Berglin moved that the name of Ms. Anderson be added as a co-author to S.F. No. 1550. The motion prevailed.

Ms. Berglin moved that the name of Mr. Langseth be added as a co-author to S.F. No. 1552. The motion prevailed.

Mr. Stumpf moved that S.F. No. 124 be withdrawn from the Committee on Education and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mrs. Adkins and Mr. Stumpf introduced—

Senate Resolution No. 35: A Senate resolution honoring Brian Stumpf for his bravery and service to his fellow Minnesotans during an emergency rescue.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. moved that S.F. No. 29 be withdrawn from the Committee on Rules and Administration, and that the Committee Report from the Committee on Education be adopted; that committee recommendation being: "the bill be amended and when so amended the bill do pass and re-referred to the Committee on Jobs, Energy and Community Development". The motion prevailed. Amendments adopted. Report adopted.

Mr. Stevens moved that S.F. No. 894, on General Orders, be stricken and re-referred to the Committee on Governmental Operations and Reform. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mses. Ranum, Anderson, Messrs. McGowan, Marty and Kelly introduced—

S.F. No. 1593: A bill for an act relating to crime; eliminating the defense of mistake of age or consent for persons who are prosecuted for a prostitution offense; amending Minnesota Statutes 1992, section 609.325, subdivision 2.

Referred to the Committee on Crime Prevention.

Ms. Ranum, Mr. Janezich, Ms. Wiener, Mr. Knutson and Ms. Pappas introduced—

S.F. No. 1594: A bill for an act relating to education; establishing an early intervention reading program to help underachieving first grade students develop effective reading strategies; requiring teacher applicants to complete a reading course; permitting teachers renewing their license to receive credit for reading seminars; permitting staff development revenue to be used for

reading programs; amending Minnesota Statutes 1992, sections 125.05, subdivisions 1a and 2; and 126.70, subdivisions 1 and 2a; proposing coding for new law in Minnesota Statutes, chapter 121.

Referred to the Committee on Education.

Mr. Cohen introduced—

S.F. No. 1595: A bill for an act relating to taxation; increasing the rate of the tax on sales at the international airport; increasing the rate of the sales tax on hotels in the metropolitan area; providing that the revenues are used for support of nonprofit arts organizations; amending Minnesota Statutes 1992, section 297A.02, by adding subdivisions; Laws 1986, chapter 396, section 5.

Referred to the Committee on Taxes and Tax Laws.

Ms. Anderson and Mr. Chandler introduced—

S.F. No. 1596: A bill for an act relating to housing; modifying replacement housing; amending Minnesota Statutes 1992, section 504.33, subdivision 7.

Referred to the Committee on Jobs, Energy and Community Development.

Ms. Wiener introduced—

S.F. No. 1597: A bill for an act relating to commerce; regulating collection agencies; modifying prohibited practices; requiring notification to the commissioner upon certain employee terminations; repealing inconsistent surety bond and term and fee rules; regulating credit services organizations; modifying registration and bond requirements; modifying enforcement powers; amending Minnesota Statutes 1992, sections 332.37; 332.54, subdivision 1, and by adding subdivisions; 332.55; and 332.59; proposing coding for new law in Minnesota Statutes, chapter 332; repealing Minnesota Rules, parts 2870.1300; and 2870.1600.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Lessard introduced—

S.F. No. 1598: A bill for an act relating to game and fish; modifying provisions relating to hunting by disabled persons; amending Minnesota Statutes 1992, sections 97B.045; and 97B.111.

Referred to the Committee on Environment and Natural Resources.

Mr. Metzen introduced—

S.F. No. 1599: A bill for an act relating to taxation; providing for the time of payment of refunds of taxes by school districts; proposing coding for new law in Minnesota Statutes, chapter 276.

Referred to the Committee on Taxes and Tax Laws.

Mr. Benson, D.D. introduced—

S.F. No. 1600: A bill for an act relating to taxation; lodging; extending the tax to private campgrounds; amending Minnesota Statutes 1992, section 469.190, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Ms. Robertson, Messrs. Terwilliger and Knutson introduced—

S.F. No. 1601: A bill for an act relating to taxation; providing general property tax limitations for taxes payable in 1994; proposing coding for new law in Minnesota Statutes, chapter 275.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Murphy, Luther and Mrs. Pariseau introduced—

S.F. No. 1602: A bill for an act relating to cemeteries; prohibiting relocation of cemeteries without the trustees' or owners' consent; proposing coding for new law in Minnesota Statutes, chapters 306; and 307.

Referred to the Committee on Veterans and General Legislation.

Mr. Solon, Ms. Piper, Messrs. Luther and Vickerman introduced—

S.F. No. 1603: A bill for an act relating to occupations and professions; creating the board of examiners for speech-language pathology and audiology and providing for its powers and duties; providing for the licensure and regulation of speech-language pathologists and audiologists; authorizing rulemaking; providing for penalties; appropriating money; amending Minnesota Statutes 1992, sections 214.01, subdivision 2; and 214.04, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 153B.

Referred to the Committee on Health Care.

Mr. Moe, R.D. introduced—

S.F. No. 1604: A bill for an act relating to the legislature; legislative commissions; increasing the membership of the legislative commission on Minnesota resources; amending Minnesota Statutes 1992, section 166P.05, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

MEMBERS EXCUSED

Ms. Hanson was excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Thursday, April 15, 1993. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate