

FORTY-THIRD DAY

St. Paul, Minnesota, Monday, April 26, 1993

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Douglas R. Potter.

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

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

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

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 communications were received.

April 21, 1993

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and

deposited in the Office of the Secretary of State, S.F. Nos. 186, 198, 605, 789 and 903.

Warmest regards,
Arne H. Carlson, Governor

April 22, 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
186		34	3:40 p.m. April 21	April 21
903		35	3:50 p.m. April 21	April 21
789		36	3:48 p.m. April 21	April 21
605		37	3:46 p.m. April 21	April 21
198		38	3:42 p.m. April 21	April 21
	111	39	3:52 p.m. April 21	April 21
	552	40	3:56 p.m. April 21	April 21

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. 270, 483 and 568.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1993

Mr. President:

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

S.F. No. 1503: A bill for an act relating to the organization and operation of state government; appropriating money for criminal justice, corrections, and related purposes; providing for the transfer of certain money in the state treasury; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; amending Minnesota Statutes 1992, sections

3.732, subdivision 1; 43A.02, subdivision 25; 43A.24, subdivision 2; 241.01, subdivision 5; 242.195, subdivision 1; 242.51; 401.13; 611.20; 611.216, by adding a subdivision; 611.25, subdivision 3; and 626.861, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 611; repealing Minnesota Statutes 1992, sections 241.43, subdivision 2; and 611.20, subdivision 3.

Senate File No. 1503 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1993

Mr. Beckman moved that the Senate do not concur in the amendments by the House to S.F. No. 1503, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1720, 43, 947, 969, 1450 and 350.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 23, 1993

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1735:

H.F. No. 1735: A bill for an act relating to the financing and operation of government in Minnesota; revising the operation of the local government trust fund; modifying the administration, computation, collection, and enforcement of taxes; imposing taxes; changing tax rates, bases, credits, exemptions, withholding, and payments; modifying proposed tax notice and hearing requirements; modifying aids to local governments; modifying provisions relating to property tax valuations, classifications, and levies; changing tax increment financing provisions; changing the amount in the budget and cash flow reserve account; authorizing imposition of local taxes; updating references to the Internal Revenue Code; changing certain bonding and local government finance provisions; changing definitions; making technical corrections and clarifications; providing for grants and loans in certain cases; enacting provisions relating to certain cities, counties, and special taxing districts; prescribing penalties; appropriating money; amending Minnesota Statutes 1992, sections 16A.15, subdivision 6; 16A.1541; 17A.03, subdivision 5; 31.51, subdivision 9; 31A.02, subdivisions 4 and 10; 31B.02, subdivision 4; 35.821, subdivision 4; 60A.15, subdivisions 2a, 9a, and by adding a subdivision; 60A.198, subdivision 3; 60A.199, subdivision 4, and by adding a subdivision; 97A.061, subdivisions 2 and 3; 103B.635, subdivision 2, as amended; 115B.22, subdivision 7; 124.2131, subdivision 1; 134.001, by adding a subdivision; 134.351, subdivision 4; 239.785; 256E.06, subdivision 12; 270.06; 270.07, subdivision 3; 270.41; 270.70, subdivision 1; 270A.10; 270B.01, subdivision 8; 270B.12, by adding a

subdivision; 270B.14, subdivision 8; 272.02, subdivisions 1 and 4; 272.115, subdivisions 1 and 4; 273.061, subdivisions 1 and 8; 273.11, subdivisions 1, 6a, 13, and by adding subdivisions; 273.112, by adding a subdivision; 273.121; 273.124, subdivisions 1, 9, 13, and by adding subdivisions; 273.13, subdivisions 23, 24, 25, and 33; 273.135, subdivision 2; 273.1398, subdivisions 1, 2, and by adding subdivisions; 273.33, subdivision 2; 275.065, subdivisions 1, 3, 5a, 6, and by adding a subdivision; 275.07, subdivision 1, and by adding a subdivision; 275.08, subdivision 1d; 276.02; 276.04, subdivision 2; 279.37, subdivision 1a; 289A.09, by adding a subdivision; 289A.18, subdivision 4; 289A.20, subdivisions 2 and 4; 289A.26, subdivision 7; 289A.36, subdivision 3; 289A.50, subdivision 5; 289A.56, subdivision 3; 289A.60, subdivisions 1, 2, 15, and by adding subdivisions; 290.01, subdivisions 7, 19, 19a, and 19c; 290.06, subdivisions 2c and 2d; 290.0671, subdivision 1; 290.091, subdivisions 1, 2, and 6; 290.0921, subdivision 3; 290A.03, subdivisions 3, 7, and 8; 290A.04, subdivision 2h, and by adding a subdivision; 290A.23; 294.03, subdivisions 1, 2, and by adding a subdivision; 296.01, by adding a subdivision; 296.02, subdivision 8; 296.03; 296.14, subdivision 1; 296.18, subdivision 1; 297.03, subdivision 6; 297.07, subdivisions 1 and 4; 297.35, subdivisions 1 and 5; 297.43, subdivisions 1, 2, and by adding a subdivision; 297A.01, subdivisions 6, 13, and 15; 297A.136; 297A.14, subdivision 1; 297A.25, subdivisions 3, 7, 11, 16, 34, 41, and by adding a subdivision; 297C.03, subdivision 1; 297C.04; 297C.05, subdivision 2; 297C.14, subdivisions 1, 2, and by adding a subdivision; 298.75, subdivisions 4 and 5; 299F.21, subdivision 2; 299F.23, subdivision 2, and by adding a subdivision; 319A.11, subdivision 1; 349.212; subdivision 4; 349.217, subdivisions 1, 2, and by adding a subdivision; 375.192, subdivision 2; 429.061, subdivision 1; 469.012, subdivision 1; 469.174, subdivisions 19 and 20; 469.175, by adding a subdivision; 469.176, subdivisions 1 and 4e; 469.1763, by adding a subdivision; 469.177, subdivisions 1 and 8; 469.1831, subdivision 4; 473.13, subdivision 1; 473.1623, subdivision 3; 473.167, subdivision 4; 473.249, subdivision 2; 473.843, subdivision 3; 477A.011, subdivisions 1a, 20, and by adding subdivisions; 477A.013, by adding subdivisions; 477A.03, subdivision 1; and 477A.14; Laws 1953, chapter 387, section 1; Laws 1969, chapter 561, section 1; Laws 1971, chapters 373, sections 1 and 2; 455, section 1; Laws 1985, chapter 302, sections 1, subdivision 3; 2, subdivision 1; and 4; proposing coding for new law in Minnesota Statutes, chapters 17; 116; 134; 270; 272; 273; 295; 297A; 383A; and 469; repealing Minnesota Statutes 1992, sections 115B.24, subdivision 10; 272.115, subdivision 1a; 273.1398, subdivision 5; 275.07, subdivision 3; 297A.01, subdivision 16; 297A.25, subdivision 42; 297B.09, subdivision 3; 477A.011, subdivisions 1b, 3a, 15, 16, 17, 18, 22, 23, 25, and 26; and 477A.013, subdivisions 2, 3, and 5; Laws 1953, chapter 387, section 2; Laws 1963, chapter 603, section 1; and Laws 1969, chapter 592, sections 1 to 3.

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

Rest; Olson, E.; Anderson, I.; Wagenius and Long have been appointed as such committee on the part of the House.

House File No. 1735 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 23, 1993

Mr. Johnson, D.J. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1735, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

FIRST READING OF HOUSE BILLS

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

H.F. No. 1720: A bill for an act relating to metropolitan government; requiring at least one member of metropolitan transit commission to be disabled user of transit system; amending Minnesota Statutes 1992, section 473.404, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 269, now on General Orders.

H.F. No. 43: 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 773, now on General Orders.

H.F. No. 947: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited lands that border public water in Sherburne and Stearns counties.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 896, now on General Orders.

H.F. No. 969: 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; 169.781, 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1504, now on General Orders.

H.F. No. 1450: A bill for an act relating to game and fish; authorizing expenditure of RIM funds for restoration of fish and wildlife habitat; directing a report on plantings of native trees and shrubs; amending Minnesota Statutes 1992, section 84.95, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1476.

H.F. No. 350: A bill for an act relating to education; prekindergarten through grade 12; providing for general education; transportation; special programs; early childhood, community, and adult education; facilities; organization and cooperation; access to excellence; other education programs; miscellaneous provisions; choice programs; libraries; state agencies; and realignment of responsibilities; making conforming changes; appropriating money; amending Minnesota Statutes 1992, sections 3.873, subdivisions 4, 5, 6, 7, and 9; 120.06, subdivision 3; 120.062, subdivision 5, and by adding a subdivision; 120.0621; 120.064, subdivisions 3, 4, and 16; 120.0751, subdivisions 1, 2, 3, and 4; 120.101, subdivisions 5 and 5b; 120.102, subdivision 1; 120.17, subdivision 7a; 120.73, subdivision 1; 120.75; 121.15, subdivision 4; 121.16, subdivision 1; 121.201, subdivision 1; 121.585, subdivision 8; 121.612, subdivisions 2 and 4; 121.831; 121.88, subdivision 8; 121.882, subdivision 2b; 121.901, subdivisions 1 and 2; 121.902; 121.904, subdivisions 4a, 4e, and 14; 121.912, subdivision 6, and by adding a subdivision; 121.9121; 121.914, subdivision 3; 121.934, subdivision 1; 121.935, subdivisions 2 and 5; 121.936; 122.22, by adding a subdivision; 122.242, subdivision 9; 122.531, subdivision 4a; 122.895, subdivision 2, and by adding subdivisions; 123.34, subdivision 9; 123.35, subdivision 17; 123.351, subdivisions 6, 8, and 9; 123.3513; 123.3514, subdivisions 5, 6, 6b, 6c, and 8; 123.36, by adding a subdivision; 123.39, by adding a subdivision; 123.58, subdivisions 6, 7, 8, and 9; 123.702, subdivisions 1, 1a, 1b, 3, and 4; 123.7045; 123.71, subdivision 1; 123.932, subdivision 7; 123.935, subdivision 7; 123.947; 124.09; 124.10, subdivision 1; 124.14, subdivisions 1 and 4; 124.17, subdivisions 1, 2c, and by adding a subdivision; 124.19, subdivisions 1 and 4; 124.195, subdivisions 8 and 9; 124.223, subdivision 3; 124.225, subdivisions 1, 3a, 7b, 7d, and 7e; 124.226, subdivisions 1, 3, 9, and by adding a subdivision; 124.243, subdivisions 1, 2, 2a, 6, and 8; 124.248, subdivision 4; 124.26, subdivision 2; 124.2601, subdivisions 4 and 6; 124.261; subdivision 1; 124.2615, subdivisions 2 and 3; 124.2711, subdivision 1; 124.2714; 124.2721, subdivisions 1 and 3; 124.2725, subdivisions 2, 4, 5, 6, 10, and 13; 124.273, by adding a subdivision; 124.276, subdivision 3; 124.32, subdivision 1d; 124.322, subdivisions 2, 3, 4, and by adding a subdivision; 124.332, subdivision 2; 124.37; 124.38, by adding a subdivision; 124.431, subdivisions 1, 1a, 2, and 14; 124.48, subdivisions 1 and 3; 124.494, subdivisions 1, 2, and by adding a subdivision; 124.573, subdivision 3; 124.574, by adding a subdivision; 124.625; 124.64; 124.645, subdivisions 1 and 2; 124.69, subdivision 1; 124.73, subdivision 1; 124.79; 124.83, subdivisions 1, 2, 4, 6, and by adding a subdivision; 124.84, subdivision 3; 124.91, subdivision 3; 124.912, subdivisions 2 and 3; 124.95, subdivisions 1, 2, 2a, and 3; 124.961; 124A.03, subdivision 1c, and by adding a subdivision; 124A.22, subdivisions 2, 4, 5, 6, 8, and 9; 124A.23, subdivision 1; 124A.26, subdivision 1, and by adding a subdivision; 124A.27, subdivision 2; 124A.29, subdivision 1; 124A.70; 124A.72; 124C.08, subdivision 1; 125.05, subdivision 1a; 125.185, subdivisions 4 and 6; 125.1885, subdivision 3; 125.189; 126.151, subdivision 2; 126.22, subdivisions 2, 3, 3a, and 4; 126.239, subdivision 3; 126.267; 126.268, subdivision 2; 126.52, subdivisions 8 and 9; 126.54, subdivision 1; 126.56, subdivisions 4a and 7; 126.665; 126.67, subdivision 8; 126.70, subdivision 2a; 126A.07, subdivision 1; 127.15; 127.455; 127.46; 128A.024, subdivision 2; 128A.03, subdivision 2; 128C.02, by adding a subdivision; 129C.10, subdivision 1, and by adding a subdivision; 134.31, subdivisions 1,

2, and 5; 134.32, subdivision 8; 145A.10, subdivision 5; 256E.03, by adding subdivisions; 256E.08, subdivision 1; 256E.09, subdivision 2, and by adding a subdivision; 275.48; 473F.02, by adding a subdivision; and 475.61, subdivision 3; Laws 1991, chapters 256, article 8, section 14, as amended; 265, articles 1, section 30; and 2, section 19, subdivision 2; and Laws 1992, chapters 499, article 8, section 33; 571, article 10, section 29; proposing coding for new law in Minnesota Statutes, chapters 4; 121; 124; 124A; 124C; 125; 126; 128A; repealing Minnesota Statutes 1992, sections 120.0621, subdivision 5; 121.87; 124.197; 124.2721, subdivisions 2 and 4; 124.32, subdivision 5; 124.615; 124.62; 125.703; 126.22, subdivision 2a; 145.926; and Laws 1988, chapter 486, section 59.

Mr. Moe, R.D. moved that H.F. No. 350 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

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

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

H.F. No. 1205 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.
1205	1192				

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. 1122 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.
1122	1142				

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. 854 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.
854	1216				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 854 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 854 and insert the language after the enacting clause of S.F. No. 1216, the first engrossment; further, delete the title of H.F. No. 854 and insert the title of S.F. No. 1216, the first engrossment.

And when so amended H.F. No. 854 will be identical to S.F. No. 1216, and further recommends that H.F. No. 854 be given its second reading and substituted for S.F. No. 1216, 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. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1559: A bill for an act relating to education; providing for general education revenue, transportation, special programs, community services, facilities and equipment, education organization and cooperation, other aids and levies, other education programs, miscellaneous education matters, libraries, state education agencies, maximum effort school loan bonds; authorizing the issuance of bonds; raising income tax rates; appropriating money; amending Minnesota Statutes 1992, sections 3.873, subdivisions 4, 5, 6, 7, and 9; 16A.1541; 120.062, subdivision 9; 120.0621, by adding a subdivision; 120.064, subdivisions 1, 3, 4, 5, 8, 9, 11, 18, 21, and by adding a subdivision; 120.101, subdivisions 5 and 5b; 120.102, subdivision 1; 120.105; 120.17, subdivisions 2, 3, 11a, 11b, 12, 14, 15, and by adding subdivisions; 121.11, subdivisions 7, 12, and by adding subdivisions; 121.14; 121.16, subdivision 1; 121.585, subdivision 2; 121.612, subdivisions 2 and 4; 121.831; 121.87, subdivision 1; 121.88, subdivisions 1, 4, 7, and 10; 121.904, subdivisions 4a and 14; 121.906; 121.908, subdivisions 1 and 2; 121.912, subdivision 6; 121.931, subdivision 5; 122.23, subdivision 18, and by adding a subdivision; 122.243, subdivision 2; 122.895, subdivision 2, and by adding a subdivision; 123.33, by adding a subdivision; 123.34, subdivisions 9 and 10; 123.35, subdivision 1; 123.3514, subdivisions 6, 6b, and 6c; 123.36, by adding a subdivision; 123.38, subdivisions 2 and 2b; 123.39, by adding a subdivision; 123.702, subdivisions 1, 1a, 3, and 5; 123.7045; 123.80, subdivision 1; 123.951; 124.17, subdivisions 1, 1, and by adding a subdivision; 124.19, subdivisions 1, 4, 5, and 5; 124.195, subdivisions 9, 9, and 10; 124.225, subdivisions 1, 1, 3a, 7b, 7d, 7e, 8a, and 10; 124.226, subdivisions 3, 5, 9, and by adding a subdivision; 124.243, subdivisions 2, 2a, 3, 6, and by adding a subdivision; 124.244, subdivisions 1 and 2;

124.245, subdivision 6; 124.26, subdivisions 1c and 2; 124.2601, subdivisions 4 and 6; 124.2615, subdivisions 2 and 3; 124.2711, subdivisions 1, 2a, and by adding subdivisions; 124.2713, subdivisions 2, 6, and by adding subdivisions; 124.2714; 124.2716; 124.2725, subdivisions 2, 4, 5, 6, 10, and 13; 124.2727; 124.273, subdivision 1b, and by adding a subdivision; 124.32, subdivisions 1b, 1d, and by adding subdivisions; 124.321, subdivisions 1 and 2; 124.322, subdivisions 2, 3, 4, and by adding a subdivision; 124.431, subdivisions 1a and 14; 124.573, subdivisions 2b, 3, and by adding subdivisions; 124.574, subdivision 2b; 124.83, subdivisions 1, 2, 4, 6, and by adding a subdivision; 124.85, subdivisions 1, 4, and 5; 124.91, subdivision 5; 124.912, by adding a subdivision; 124.914, by adding a subdivision; 124.916, subdivisions 2 and 3; 124.95, subdivisions 1, 2, 2a, 3, 3, and 4; 124.961; 124A.02, by adding a subdivision; 124A.03, subdivisions 1e, 1f, 1g, and by adding a subdivision; 124A.036, subdivision 5; 124A.04, subdivision 2; 124A.22, subdivisions 4, 4a, 5, 6, 9, and by adding subdivisions; 124A.23, subdivisions 1, 5, and 5; 124A.24; 124A.26, subdivision 1; 124A.29, subdivision 1; 124A.291; 124C.08, subdivisions 1 and 2; 124C.09; 124C.48, by adding a subdivision; 125.032, subdivision 2; 125.05, subdivisions 1a and 1a; 125.138; 126.22, subdivision 8; 126.67, subdivision 8; 126.70; 127.455; 127.46; 128B.10, subdivision 1; 144.29; 144.4165; 171.29, subdivision 2; 273.1398, subdivision 2a; 275.065, subdivision 6; 275.48; 290.06, subdivisions 2c and 2d; 290.091, subdivisions 1, 2, and 6; 298.28, subdivision 4; 354A.12, subdivision 2; 475.61, subdivision 3; and 609.685, subdivision 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 121; 124; 124A; 124C; 125; 126; 126B; 128A; and 290; repealing Minnesota Statutes 1992, sections 120.095; 120.101, subdivisions 5a and 5b; 120.75, subdivision 2; 120.80, subdivision 2; 121.11, subdivisions 6, 13, 15, and 16; 121.165; 121.19; 121.49; 121.496; 121.585, subdivision 3; 121.609; 121.883; 121.90; 121.901; 121.902; 121.904, subdivisions 5, 6, 8, 9, 10, 11a, and 11c; 121.908, subdivision 4; 121.9121, subdivisions 3 and 5; 121.931, subdivisions 6, 6a, 7, and 8; 121.934; 121.935; 121.936, subdivisions 1, 2, and 3; 121.937; 121.94; 121.941; 121.942; 121.943; 122.91; 122.95; 123.33, subdivisions 10, 14, 15, and 16; 123.35, subdivision 14; 123.351; 123.352; 123.36, subdivisions 2, 3, 4, 4a, 6, 8, 9, and 12; 123.40, subdivisions 4 and 6; 123.58; 123.61; 123.67; 123.709; 123.744; 124.19, subdivisions 1, 1b, 6, and 7; 124.197; 124.2721; 124.2725, subdivision 8; 124.2727, subdivisions 6 and 7; 124.32, subdivision 5; 124.331; 124.332; 124.333; 124.573, subdivisions 2c and 2d; 124.575, subdivisions 2 and 4; 124.615; 124.62; 124.64; 124.645; 124.67; 124.68; 124.69; 124.79; 124.912, subdivisions 4 and 5; 124A.26, subdivision 1a; 124A.27, subdivision 1; 125.05, subdivision 1b; 125.12, subdivisions 3a and 4a; 125.17, subdivisions 2a and 3a; 126.02; 126.025; 126.031; 126.06; 126.08; 126.09; 126.111; 126.112; 126.12, subdivision 2; 126.20, subdivision 4; 126.24; 126.268; 126.662; 126.663; 126.664; 126.665; 126.666; 126.67; 126.68; 126A.01; 126A.02; 126A.03; 126A.04; 126A.05; 126A.07; 126A.08; 126A.09; 126A.10; 126A.11; and 126A.12; Laws 1991, chapter 265, article 4, section 29; Laws 1991, chapter 256, article 8, section 14, as amended by Laws 1992, chapter 499, article 7, section 14; Laws 1991, chapter 265, article 1, section 30; Laws 1991, chapter 265, article 2, section 19.

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

Page 6, line 31, delete the comma and insert "or"

Page 6, line 32, delete everything after "bond" and insert a period

Page 6, delete line 33

Page 7, line 28, after "fund" insert "for the biennium ending June 30, 1995"

Page 22, line 22, delete "1.45" and insert ".145"

Page 37, line 15, strike "1989" and insert "1993"

Page 40, line 25, delete "\$1,887,549,000" and insert "\$1,888,238,000"

Page 40, line 26, delete "\$2,072,898,000" and insert "\$2,072,208,000"

Page 40, line 28, delete "\$1,629,998,000" and insert "\$1,630,687,000"

Page 40, line 30, delete "\$1,795,035,000" and insert "\$1,794,345,000"

Page 115, after line 27, insert:

"Sec. 35. Minnesota Statutes 1992, section 145.926, subdivision 4, is amended to read:

Subd. 4. [DISTRIBUTION.] The commissioner of education shall give priority to funding existing programs at their current levels.

To the extent possible, the commissioner shall award grants to applicants with experience or demonstrated ability in providing comprehensive, multidisciplinary, community-based programs with objectives similar to those listed in subdivision 2, or in providing other human services or social services programs using a multidisciplinary, community-based approach."

Page 120, after line 32, insert:

"The commissioner of finance shall make these sums available in the fiscal years designated upon agreement by the commissioners of education, finance, and jobs and training as to how ECFE, learning readiness, and head start spending will be coordinated."

Page 122, after line 9, insert:

"The commissioner of finance shall make these sums available in the fiscal years designated upon agreement by the commissioners of education, finance, and jobs and training as to how ECFE, learning readiness, and head start spending will be coordinated."

Page 122, line 14, delete from "Upon" through page 122, line 17, to "coordinated,"

Page 123, line 1, delete "35" and insert "36"

Page 123, after line 10, insert:

"Subd. 17. [COMMUNITY RESOURCES PROGRAM.] For grants according to Minnesota Statutes, section 466A.05:

\$2,046,000 1994

This sum shall be transferred to the department of trade and economic development for community resources program grants."

Renumber the sections of article 4 in sequence

Pages 139 and 140, delete sections 27 and 28

Renumber the sections of article 5 in sequence

Page 189, line 15, delete "[126.685]"

Page 189, line 16, delete "is annually" and insert "in fiscal year 1994 and \$6,500,000 in fiscal year 1995 is"

Page 189, line 19, before "is" insert "each year" in both places

Page 260, after line 27, insert:

"Sec. 30. [ENVIRONMENTAL EDUCATION.]

The advisory board established in Minnesota Statutes, section 126A.02, shall advise the commissioner of education on development of results-oriented graduation date."

Page 260, line 30, delete "and 5b"

Page 260, line 32, delete "121.496;"

Page 261, line 10, after "sections" insert "120.101, subdivision 5b;"

Page 261, line 14, delete "126A.03;"

Page 261, lines 19 and 20, delete "30" and insert "31"

Page 263, line 35, after "the" insert "Minnesota chapter of the"

Page 267, line 36, delete "40" and insert "41"

Page 268, lines 1 and 2, delete "40" and insert "41"

Renumber the sections of article 12 in sequence

Amend the title as follows:

Page 1, line 7, before "state" insert "and" and delete ", maximum"

Page 1, delete line 8

Page 1, line 9, delete "bonds"

Page 2, line 21, after "144.4165;" insert "145.926, subdivision 4;"

Page 2, line 33, delete "121.496;"

Page 2, line 57, delete "126A.03;"

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

SECOND READING OF SENATE BILLS

S.F. No. 1559 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1205, 1122 and 854 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Betzold moved that the name of Ms. Berglin be added as a co-author to S.F. No. 1315. The motion prevailed.

Mr. Solon moved that the name of Mr. Kroening be added as a co-author to S.F. No. 712. The motion prevailed.

Mr. Larson introduced—

Senate Resolution No. 39: A Senate resolution congratulating members of the Students in Free Enterprise team at Fergus Falls Community College for their outstanding achievement at regional competition.

Referred to the Committee on Rules and Administration.

Mr. Price introduced—

Senate Resolution No. 40: A Senate resolution recognizing the Woodbury High School chapter of the Distributive Education Clubs of America (DECA).

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. moved that H.F. No. 350 be taken from the table. The motion prevailed.

H.F. No. 350: A bill for an act relating to education; prekindergarten through grade 12; providing for general education; transportation; special programs; early childhood, community, and adult education; facilities; organization and cooperation; access to excellence; other education programs; miscellaneous provisions; choice programs; libraries; state agencies; and realignment of responsibilities; making conforming changes; appropriating money; amending Minnesota Statutes 1992, sections 3.873, subdivisions 4, 5, 6, 7, and 9; 120.06, subdivision 3; 120.062, subdivision 5, and by adding a subdivision; 120.0621; 120.064, subdivisions 3, 4, and 16; 120.0751, subdivisions 1, 2, 3, and 4; 120.101, subdivisions 5 and 5b; 120.102, subdivision 1; 120.17, subdivision 7a; 120.73, subdivision 1; 120.75; 121.15, subdivision 4; 121.16, subdivision 1; 121.201, subdivision 1; 121.585, subdivision 8; 121.612, subdivisions 2 and 4; 121.831; 121.88, subdivision 8; 121.882, subdivision 2b; 121.901, subdivisions 1 and 2; 121.902; 121.904, subdivisions 4a, 4e, and 14; 121.912, subdivision 6, and by adding a subdivision; 121.9121; 121.914, subdivision 3; 121.934, subdivision 1; 121.935, subdivisions 2 and 5; 121.936; 122.22, by adding a subdivision; 122.242, subdivision 9; 122.531, subdivision 4a; 122.895, subdivision 2, and by adding subdivisions; 123.34, subdivision 9; 123.35, subdivision 17; 123.351, subdivisions 6, 8, and 9; 123.3513; 123.3514, subdivisions 5, 6, 6b, 6c, and 8; 123.36, by adding a subdivision; 123.39, by adding a subdivision; 123.58, subdivisions 6, 7, 8, and 9; 123.702, subdivisions 1, 1a, 1b, 3, and 4; 123.7045; 123.71, subdivision 1; 123.932, subdivision 7; 123.935, subdivision 7; 123.947; 124.09; 124.10, subdivision 1; 124.14, subdivisions 1 and 4; 124.17, subdivisions 1, 2c, and by adding a subdivision; 124.19, subdivisions 1 and 4; 124.195, subdivisions 8 and 9; 124.223, subdivision 3; 124.225, subdivisions 1, 3a, 7b, 7d, and 7e; 124.226, subdivisions 1, 3, 9, and by adding a subdivision; 124.243, subdivisions 1, 2, 2a, 6, and 8; 124.248, subdivision 4; 124.26, subdivision 2; 124.2601, subdivisions 4 and 6; 124.261, subdivision 1; 124.2615, subdivisions 2 and 3; 124.2711, subdivision 1; 124.2714; 124.2721, subdivisions 1 and 3; 124.2725, subdivisions 2, 4, 5, 6, 10, and 13; 124.273, by adding a subdivision; 124.276, subdivision 3; 124.32, subdivision 1d; 124.322, subdivisions 2, 3, 4, and by adding a subdivision; 124.332, subdivision 2;

124.37; 124.38, by adding a subdivision; 124.431, subdivisions 1, 1a, 2, and 14; 124.48, subdivisions 1 and 3; 124.494, subdivisions 1, 2, and by adding a subdivision; 124.573, subdivision 3; 124.574, by adding a subdivision; 124.625; 124.64; 124.645, subdivisions 1 and 2; 124.69, subdivision 1; 124.73, subdivision 1; 124.79; 124.83, subdivisions 1, 2, 4, 6, and by adding a subdivision; 124.84, subdivision 3; 124.91, subdivision 3; 124.912, subdivisions 2 and 3; 124.95, subdivisions 1, 2, 2a, and 3; 124.961; 124A.03, subdivision 1c, and by adding a subdivision; 124A.22, subdivisions 2, 4, 5, 6, 8, and 9; 124A.23, subdivision 1; 124A.26, subdivision 1, and by adding a subdivision; 124A.27, subdivision 2; 124A.29, subdivision 1; 124A.70; 124A.72; 124C.08, subdivision 1; 125.05, subdivision 1a; 125.185, subdivisions 4 and 6; 125.1885, subdivision 3; 125.189; 126.151, subdivision 2; 126.22, subdivisions 2, 3, 3a, and 4; 126.239, subdivision 3; 126.267; 126.268, subdivision 2; 126.52, subdivisions 8 and 9; 126.54, subdivision 1; 126.56, subdivisions 4a and 7; 126.665; 126.67, subdivision 8; 126.70, subdivision 2a; 126A.07, subdivision 1; 127.15; 127.455; 127.46; 128A.024, subdivision 2; 128A.03, subdivision 2; 128C.02, by adding a subdivision; 129C.10, subdivision 1, and by adding a subdivision; 134.31, subdivisions 1, 2, and 5; 134.32, subdivision 8; 145A.10, subdivision 5; 256E.03, by adding subdivisions; 256E.08, subdivision 1; 256E.09, subdivision 2, and by adding a subdivision; 275.48; 473F.02, by adding a subdivision; and 475.61, subdivision 3; Laws 1991, chapters 256, article 8, section 14, as amended; 265, articles 1, section 30; and 2, section 19, subdivision 2; and Laws 1992, chapters 499, article 8, section 33; 571, article 10, section 29; proposing coding for new law in Minnesota Statutes, chapters 4; 121; 124; 124A; 124C; 125; 126; 128A; repealing Minnesota Statutes 1992, sections 120.0621, subdivision 5; 121.87; 124.197; 124.2721, subdivisions 2 and 4; 124.32, subdivision 5; 124.615; 124.62; 125.703; 126.22, subdivision 2a; 145.926; and Laws 1988, chapter 486, section 59.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 350 and that the rules of the Senate be so far suspended as to give H.F. No. 350 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 350 was read the second time.

Mr. Pogemiller moved to amend H.F. No. 350 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 350, and insert the language after the enacting clause, and the title, of S.F. No. 1559, the third engrossment.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the balance of the proceedings on H.F. No. 350. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Pogemiller amendment.

The roll was called, and there were yeas 40 and nays 22, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Kroening	Mondale	Reichgott
Anderson	Finn	Langseth	Morse	Riveness
Beckman	Flynn	Lessard	Novak	Sams
Berg	Hanson	Luther	Pappas	Samuelson
Berglin	Hottinger	Marty	Piper	Spear
Bertram	Janezich	Merriam	Pogemiller	Stumpf
Betzold	Kelly	Metzen	Price	Vickerman
Chandler	Krentz	Moe, R.D.	Ranum	Wiener

Those who voted in the negative were:

Belanger	Frederickson	Laidig	Oliver	Stevens
Benson, D.D.	Johnson, D.E.	Larson	Olson	Terwilliger
Benson, J.E.	Johnston	Lesewski	Pariseau	
Day	Kiscaden	McGowan	Robertson	
Dille	Knutson	Neuville	Runbeck	

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller then moved to amend H.F. No. 350, as amended by the Senate, adopted April 26, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1559.)

Page 192, delete line 1

Page 192, line 2, delete "*local community characteristics*" and insert "*All information*"

Page 192, line 4, before the period, insert "*must be made available to the public*"

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller then moved to amend H.F. No. 350, as amended by the Senate April 26, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1559.)

Page 144, line 1, after the period, insert "*The provisions in sections 3, 5, 8, 9, 15, and 25 that change the term 'actual pupil unit' to 'marginal cost pupil unit' are effective for fiscal year 1994.*"

Page 191, line 10, delete "126..." and insert "126.019"

Page 191, line 11, delete "....." and insert "LEVY AUTHORITY."

Page 260, line 17, after "*of*" insert "*a*" and delete "*date*" and insert "*rule*"

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller then moved to amend H.F. No. 350, as amended by the Senate April 26, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1559.)

Page 125, line 25, delete "2,000,000" and insert "1,850,000"

The motion prevailed. So the amendment was adopted.

Ms. Berglin moved to amend H.F. No. 350, as amended by the Senate April 26, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1559.)

Page 100, line 26, delete "*other local services collaboratives*" and insert "*a children's mental health collaborative*"

The motion prevailed. So the amendment was adopted.

Ms. Krentz moved to amend H.F. No. 350, as amended by the Senate April 26, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1559.)

Page 15, after line 32, insert:

"(h) Notwithstanding paragraph (a) or (g), in fiscal years 1995 and 1996, a district may hold any number of referendum elections at any time during the year as determined by the school board."

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller moved to amend H.F. No. 350, as amended by the Senate, adopted April 26, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1559.)

Page 197, line 32, after the period, insert "*The members of the panel appointed by the speaker and the subcommittee on committees shall serve as two of the eight members of the coalition representing state and local government.*"

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski moved to amend H.F. No. 350, as amended by the Senate April 26, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1559.)

Page 265, line 27, delete from "*3520.1600;*" through page 266, line 7, to "*3520.6900;*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 34, as follows:

Those who voted in the affirmative were:

Adkins	Chandler	Kiscaden	McGowan	Riveness
Anderson	Chmielewski	Knutson	Merriam	Runbeck
Belanger	Day	Laidig	Neuville	Stevens
Benson, D.D.	Frederickson	Langseth	Novak	Vickerman
Benson, J.E.	Johnson, D.E.	Lesewski	Oliver	
Berg	Johnson, J.B.	Lessard	Pariseau	
Bertram	Johnston	Marty	Price	

Those who voted in the negative were:

Beckman	Hanson	Larson	Pappas	Samuelson
Berglin	Hottinger	Luther	Piper	Solon
Betzold	Janezich	Metzen	Pogemiller	Spear
Cohen	Johnson, D.J.	Moe, R.D.	Ranum	Stumpf
Dille	Kelly	Mondale	Reichgott	Terwilliger
Finn	Krentz	Morse	Robertson	Wiener
Flynn	Kroening	Olson	Sams	

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

Mr. Merriam moved to amend H.F. No. 350, as amended by the Senate, adopted April 26, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1559.)

Page 267, after line 24, insert:

"Sec. 42. [LEGISLATIVE INTENT.]

The legislature does not intend, by the repeal of the rules listed in section 41, to ratify or endorse the parts of the rules not repealed."

Page 267, line 25, delete "42" and insert "43"

Page 267, line 30, delete "43" and insert "44"

Page 268, line 2, delete "44" and insert "45"

The motion prevailed. So the amendment was adopted.

Mr. Riveness moved to amend H.F. No. 350, as amended by the Senate April 26, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1559.)

Page 12, delete sections 8 and 9

Pages 25 to 27, delete section 30

Pages 39 and 40, delete section 42

Renumber the sections of article 1 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 44, as follows:

Those who voted in the affirmative were:

Belanger	Johnston	Metzen	Reichgott	Wiener
Benson, D.D.	Kiscaden	Mondale	Riveness	
Benson, J.E.	Knutson	Novak	Robertson	
Chandler	Lesewski	Oliver	Samuelson	
Day	Marty	Olson	Terwilliger	

Those who voted in the negative were:

Adkins	Dille	Johnson, J.B.	McGowan	Ranum
Anderson	Finn	Kelly	Merriam	Runbeck
Beckman	Flynn	Krentz	Moe, R.D.	Sams
Berg	Frederickson	Kroening	Morse	Solon
Berglin	Hanson	Laidig	Neuville	Spear
Bertram	Hottinger	Langseth	Pappas	Stevens
Betzold	Janezich	Larson	Piper	Stumpf
Chmielewski	Johnson, D.E.	Lessard	Pogemiller	Vickerman
Cohen	Johnson, D.J.	Luther	Price	

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

Mr. Dille moved to amend H.F. No. 350, as amended by the Senate April 26, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1559.)

Page 260, after line 13, insert:

“Sec. 30. [TEAM NAMES.]

The state board of education shall not adopt any rule that prohibits a school district from selecting team names, mascots, emblems, symbols, or logos for any extracurricular activity.”

Renumber the sections of article 12 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 39, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Lesewski	Robertson	Terwilliger
Benson, D.D.	Hanson	McGowan	Runbeck	Vickerman
Benson, J.E.	Johnson, D.E.	Neuville	Sams	
Day	Kiscaden	Oliver	Samuelson	
Dille	Larson	Pariseau	Stevens	

Those who voted in the negative were:

Anderson	Flynn	Kroening	Moe, R.D.	Ranum
Beckman	Hottinger	Laidig	Mondale	Reichgott
Berglin	Janezich	Langseth	Morse	Riveness
Bertram	Johnson, J.B.	Lessard	Novak	Solon
Betzold	Johnson	Luther	Pappas	Spear
Chandler	Kelly	Marty	Piper	Stumpf
Cohen	Knutson	Merriam	Pogemiller	Wiener
Finn	Krentz	Metzen	Price	

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

Ms. Kiscaden moved to amend H.F. No. 350, as amended by the Senate April 26, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1559.)

Page 260, line 31, after the fourth semicolon, insert “126.12, subdivision 1;”

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Anderson	Day	Krentz	Morse	Price
Benson, D.D.	Dille	Laidig	Neuville	Riveness
Benson, J.E.	Frederickson	Luther	Novak	Robertson
Bertram	Hottinger	Marty	Oliver	Runbeck
Betzold	Johnson, J.B.	McGowan	Olson	Spear
Chandler	Kelly	Merriam	Pariseau	Stevens
Cohen	Kiscaden	Mondale	Piper	Wiener

Those who voted in the negative were:

Adkins	Flynn	Knutson	Metzen	Sams
Beckman	Hanson	Kroening	Moe, R.D.	Samuelson
Belanger	Janezich	Langseth	Pappas	Solon
Berg	Johnson, D.E.	Larson	Pogemiller	Stumpf
Chmielewski	Johnson, D.J.	Lesewski	Ranum	Terwilliger
Finn	Johnston	Lessard	Reichgott	Vickerman

The motion prevailed. So the amendment was adopted.

Mr. Price moved to amend H.F. No. 350, as amended by the Senate April 26, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1559.)

Page 11, line 30, delete “.77” and insert “.85”

Page 11, line 32, delete “.23” and insert “.15”

Pages 188 and 189, delete section 37

Renumber the sections of article 7 in sequence and correct the internal references

Amend the title accordingly

Mr. Frederickson requested division of the amendment as follows:

First portion:

Page 11, line 30, delete “.77” and insert “.85”

Page 11, line 32, delete “.23” and insert “.15”

Second portion:

Pages 188 and 189, delete section 37

Renumber the sections of article 7 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the first portion of the Price amendment.

The roll was called, and there were yeas 30 and nays 33, as follows:

Those who voted in the affirmative were:

Belanger	Dille	Laidig	Neuville	Riveness
Benson, D.D.	Frederickson	Lesewski	Novak	Runbeck
Benson, J.E.	Johnson, D.E.	Marty	Oliver	Spear
Betzold	Johnston	McGowan	Olson	Stevens
Chandler	Kiscaden	Merriam	Pariseau	Terwilliger
Day	Knutson	Metzen	Price	Wiener

Those who voted in the negative were:

Adkins	Finn	Krentz	Morse	Sams
Anderson	Flynn	Kroening	Pappas	Samuelson
Beckman	Hottinger	Larson	Piper	Solon
Berg	Janezich	Lessard	Pogemiller	Stumpf
Bertram	Johnson, D.J.	Luther	Ranum	Vickerman
Chmielewski	Johnson, J.B.	Moe, R.D.	Reichgott	
Cohen	Kelly	Mondale	Robertson	

The motion did not prevail. So the first portion of the amendment was not adopted.

The question was taken on the adoption of the second portion of the Price amendment.

The roll was called, and there were yeas 33 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Day	Langseth	Morse	Riveness
Belanger	Dille	Lesewski	Neuville	Runbeck
Benson, J.E.	Johnson, D.J.	Lessard	Novak	Solon
Berg	Johnston	Marty	Oliver	Spear
Betzold	Kiscaden	McGowan	Olson	Stevens
Chandler	Knutson	Merriam	Pariseau	
Chmielewski	Laidig	Metzen	Price	

Those who voted in the negative were:

Adkins	Flynn	Kelly	Pappas	Samuelson
Beckman	Frederickson	Krentz	Piper	Stumpf
Benson, D.D.	Hanson	Kroening	Pogemiller	Terwilliger
Berglin	Hottinger	Larson	Ranum	Vickerman
Bertram	Janezich	Luther	Reichgott	Wiener
Cohen	Johnson, D.E.	Moe, R.D.	Robertson	
Finn	Johnson, J.B.	Mondale	Sams	

The motion did not prevail. So the second portion of the amendment was not adopted.

Mr. Knutson moved to amend H.F. No. 350, as amended by the Senate April 26, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1559.)

Page 202, lines 34 and 35, delete "\$140,000" and insert "\$500,000"

Page 216, lines 30 and 31, delete "\$500,000" and insert "\$140,000"

Correct the subdivision and section totals and the summaries by fund accordingly

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

Mr. Price moved to amend H.F. No. 350, as amended by the Senate April 26, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1559.)

Page 189, line 1, delete "\$6,500,000" and insert "\$1,500,000" in both places

Page 189, line 4, delete "\$6,086,000" and insert "\$1,086,000"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Belanger	Flynn	Lesewski	Neuville	Solon
Benson, J.E.	Johnson, D.E.	Lessard	Oliver	Spear
Berg	Johnson, D.J.	Marty	Olson	Stevens
Betzold	Johnston	McGowan	Pariseau	Wiener
Chandler	Kelly	Merriam	Price	
Day	Knutson	Metzen	Riveness	
Dille	Laidig	Morse	Runbeck	

Those who voted in the negative were:

Adkins	Cohen	Kiscaden	Mondale	Robertson
Anderson	Finn	Krentz	Novak	Sams
Beckman	Frederickson	Kroening	Pappas	Stumpf
Benson, D.D.	Hanson	Langseth	Piper	Terwilliger
Berglin	Hottinger	Larson	Pogemiller	Vickerman
Bertram	Janezich	Luther	Ranum	
Chmielewski	Johnson, J.B.	Moe, R.D.	Reichgott	

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

Ms. Kiscaden moved to amend H.F. No. 350, as amended by the Senate April 26, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1559.)

Page 222, line 27, strike "No more than a total of" and delete "20"

Page 222, strike lines 28 to 30

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

RECONSIDERATION

Having voted on the prevailing side, Mr. Stevens moved that the vote whereby the first Kiscaden amendment to H.F. No. 350 was adopted on April 26, 1993, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 40 and nays 25, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kelly	McGowan	Runbeck
Beckman	Finn	Knutson	Metzen	Sams
Belanger	Flynn	Kroening	Neuville	Samuelson
Berg	Hanson	Laidig	Olson	Solon
Berglin	Janczich	Langseth	Pappas	Stevens
Bertram	Johnson, D.E.	Larson	Ranum	Stumpf
Chmielewski	Johnson, D.J.	Lesewski	Reichgott	Terwilliger
Day	Johnston	Lessard	Riveness	Vickerman

Those who voted in the negative were:

Anderson	Cohen	Krentz	Mondale	Piper
Benson, D.D.	Frederickson	Luther	Morse	Price
Benson, J.E.	Hottinger	Marty	Novak	Robertson
Betzold	Johnson, J.B.	Merriam	Oliver	Spear
Chandler	Kiscaden	Moe, R.D.	Pariseau	Wiener

The motion prevailed.

The question recurred on the adoption of the Kiscaden amendment.

The roll was called, and there were yeas 29 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Laidig	Morse	Price
Benson, D.D.	Frederickson	Luther	Novak	Robertson
Benson, J.E.	Hottinger	Marty	Oliver	Runbeck
Betzold	Johnson, J.B.	McGowan	Olson	Spear
Chandler	Kiscaden	Merriam	Pariseau	Wiener
Cohen	Krentz	Mondale	Piper	

Those who voted in the negative were:

Adkins	Finn	Knutson	Neuville	Solon
Beckman	Flynn	Kroening	Pappas	Stevens
Belanger	Hanson	Langseth	Pogemiller	Stumpf
Berg	Janczich	Larson	Ranum	Terwilliger
Berglin	Johnson, D.E.	Lesewski	Reichgott	Vickerman
Bertram	Johnson, D.J.	Lessard	Riveness	
Chmielewski	Johnston	Metzen	Sams	
Day	Kelly	Moe, R.D.	Samuelson	

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

H.F. No. 350 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Adkins	Cohen	Kelly	Moe, R.D.	Ranum
Anderson	Finn	Krentz	Mondale	Reichgott
Beckman	Flynn	Kroening	Morse	Sams
Berglin	Hanson	Langseth	Novak	Solon
Bertram	Hottinger	Lessard	Pappas	Spear
Betzold	Janezich	Luther	Piper	Stumpf
Chandler	Johnson, D.J.	Marty	Pogemiller	Vickerman
Chmielewski	Johnson, J.B.	Merriam	Price	Wiener

Those who voted in the negative were:

Belanger	Frederickson	Larson	Olson	Stevens
Benson, D.D.	Johnson, D.E.	Lesewski	Pariseau	Terwilliger
Benson, J.E.	Johnston	McGowan	Riveness	
Berg	Kiscaden	Metzen	Robertson	
Day	Knutson	Neuville	Runbeck	
Dille	Laidig	Oliver	Samuelson	

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

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Pogemiller moved that S.F. No. 1559, on General Orders, be stricken and laid on the table. The motion prevailed.

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

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 431: A bill for an act relating to public administration; providing that government records may be stored on optical imaging systems and retained in that format only; amending Minnesota Statutes 1992, sections 15.17, subdivision 1; and 138.17, by adding a subdivision.

Senate File No. 431 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1993

CONCURRENCE AND REPASSAGE

Mr. Hottinger moved that the Senate concur in the amendments by the House to S.F. No. 431 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 431 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 296, 114, 1476 and 880. The motion prevailed.

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

S.F. No. 327: A bill for an act relating to human services; authorizing intensive family preservation services and child welfare targeted case management services; amending Minnesota Statutes 1992, sections 256B.0625, by adding a subdivision; 256F.06, subdivision 2; 257.3573, by adding a subdivision; and 626.559, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 256; 256B; and 256F.

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

Delete everything after the enacting clause and insert:

“Section 1. [256.8711] [EMERGENCY ASSISTANCE; INTENSIVE FAMILY PRESERVATION SERVICES.]

Subdivision 1. [SCOPE OF SERVICES.] For a family experiencing an emergency as defined in subdivision 2, and for whom the county authorizes services under subdivision 3, intensive family preservation services authorized under this section are:

(1) crisis family based services;

- (2) counseling family based services; and
- (3) mental health family based services.

Intensive family preservation services also include family based life management skills when it is provided in conjunction with any of the three family based services in this subdivision. The intensive family preservation services in clauses (1), (2), and (3) and life management skills have the meanings given in section 256F.03, subdivision 5, paragraphs (a), (b), (c), and (e).

Subd. 2. [DEFINITION OF EMERGENCY.] For the purposes of this section, an emergency is a situation in which the dependent children are at risk for out-of-home placement due to abuse, neglect, or delinquency; or when the children are returning home from placements but need services to prevent another placement; or when the parents are unable to provide care.

Subd. 3. [COUNTY AUTHORIZATION.] The county agency shall assess current and prospective client families with a dependent under 21 years of age to determine if there is an emergency, as defined in subdivision 2, and to determine if there is a need for intensive family preservation services. Upon such determinations, during the period of October 1, 1993, to September 30, 1995, counties shall authorize intensive family preservation services for up to 90 days for eligible families under this section and under section 256.871, subdivisions 1 and 3.

Effective October 1, 1995, the counties' obligations to continue the base level of expenditures and to expand family preservation services as defined in section 256F.03, subdivision 5, are eliminated, with the termination of the federal revenue earned under this section.

Subd. 4. [COST TO FAMILIES.] Family preservation services provided under this section or sections 256F.01 to 256F.07 shall be provided at no cost to the client and without regard to the client's available income or assets.

Subd. 5. [EMERGENCY ASSISTANCE RESERVE.] The commissioner shall establish an emergency assistance reserve for families who receive intensive family preservation services under this section. A family is eligible to receive assistance once from the emergency assistance reserve if it received intensive family preservation services under this section within the past 12 months, but has not received emergency assistance under section 256.871 during that period. The emergency assistance reserve shall cover the cost of the federal share of the assistance that would have been available under section 256.871, except for the provision of intensive family preservation services provided under this section. The emergency assistance reserve shall be authorized and paid in the same manner as emergency assistance is provided under section 256.871. Funds set aside for the emergency assistance reserve that are not needed as determined by the commissioner shall be distributed by the terms of subdivision 6, paragraph (a).

Subd. 6. [DISTRIBUTION OF NEW FEDERAL REVENUE.] (a) All federal funds not set aside under paragraph (b), and at least 50 percent of all federal funds earned under this section and earned through assessment activity under subdivision 3, shall be paid to each county based on its earnings and assessment activity, respectively, and shall be used by each county to expand family preservation services as defined in section 256F.03, subdivision 5. If a county joins a local children's mental health collaborative

as authorized by the 1993 legislature, then the federal reimbursement received under this paragraph by the county for providing intensive family preservation services to the local collaborative's target population shall be transferred by the county to the integrated fund. The federal reimbursement transferred to the integrated fund by the county must be used for intensive family preservation services as defined in section 256F.03, subdivision 5, to the target population.

(b) The commissioner shall set aside a portion, not to exceed 50 percent, of the federal funds earned under this section and earned through assessment activity described under subdivision 3. The set aside funds shall be used to expand intensive family preservation services statewide and establish an emergency assistance reserve as provided in subdivision 5. Except for the portion needed for the emergency assistance reserve provided in subdivision 5, the commissioner may distribute the funds set aside through grants to a county or counties to establish and maintain approved intensive family preservation services statewide. Funds available for crisis family based services through section 256F.05, subdivision 8, shall be considered in establishing intensive family preservation services statewide. The commissioner may phase in intensive family preservation services in a county or group of counties as new federal funds become available. The commissioner's priority is to establish a minimum level of intensive family preservation services statewide.

Subd. 7. [EXPANSION OF SERVICES AND BASE LEVEL OF EXPENDITURES.] (a) Counties must continue the base level of expenditures for family preservation services as defined in section 256F.03, subdivision 5, from any state, county, or federal funding source, which, in the absence of federal funds earned under this section and earned through assessment activity described under subdivision 3, would have been available for these services. The commissioner shall review the county expenditures annually, using reports required under sections 245.482, 256.01, subdivision 2, clause (17), and 256E.08, subdivision 8, to ensure that the base level of expenditures for family preservation services as defined in section 256F.03, subdivision 5, is continued from sources other than the federal funds earned under this section and earned through assessment activity described under subdivision 3.

(b) The commissioner may reduce, suspend, or eliminate either or both of a county's obligations to continue the base level of expenditures and to expand family preservation services as defined in section 256F.03, subdivision 5, if the commissioner determines that one or more of the following conditions apply to that county:

(1) imposition of levy limits that significantly reduce available social service funds;

(2) reduction in the net tax capacity of the taxable property within a county that significantly reduces available social service funds;

(3) reduction in the number of children under age 19 in the county by 25 percent when compared with the number in the base year using the most recent data provided by the state demographer's office; or

(4) termination of the federal revenue earned under this section.

(c) The commissioner may suspend for one year either or both of a county's obligations to continue the base level of expenditures and to expand family

preservation services as defined in section 256F.03, subdivision 5, if the commissioner determines that in the previous year one or more of the following conditions applied to that county:

(1) the unduplicated number of families who received family preservation services under section 256F.03, subdivision 5, paragraphs (a), (b), (c), and (e), equals or exceeds the unduplicated number of children who entered placement under sections 257.071 and 393.07, subdivisions 1 and 2, during the year;

(2) the total number of children in placement under sections 257.071 and 393.07, subdivisions 1 and 2, has been reduced by 50 percent from the total number in the base year; or

(3) the average number of children in placement under sections 257.071 and 393.07, subdivisions 1 and 2, on the last day of each month is equal to or less than one child per 1,000 children in the county.

(d) For the purposes of this section, the base year is calendar year 1992. For the purposes of this section, the base level of expenditures is the level of county expenditures in the base year for eligible family preservation services under section 256F.03, subdivision 5, paragraphs (a), (b), (c), and (e).

Subd. 8. [COUNTY RESPONSIBILITIES.] (a) Notwithstanding section 256.871, subdivision 6, for intensive family preservation services provided under this section, the county agency shall submit quarterly fiscal reports as required under section 256.01, subdivision 2, clause (17), and provide the nonfederal share.

(b) County expenditures eligible for federal reimbursement under this section must not be made from federal funds or funds used to match other federal funds.

(c) The commissioner may suspend, reduce, or terminate the federal reimbursement to a county that does not meet the reporting or other requirements of this section.

Subd. 9. [PAYMENTS.] Notwithstanding section 256.025, subdivision 2, payments to counties for social service expenditures for intensive family preservation services under this section shall be made only from the federal earnings under this section and earned through assessment activity described under subdivision 3. Counties may use up to ten percent of federal earnings received under subdivision 6, paragraph (a), to cover costs of income maintenance activities related to the operation of this section.

Subd. 10. [COMMISSIONER RESPONSIBILITIES.] The commissioner in consultation with counties shall analyze state funding options to cover costs of counties' base level expenditures and any expansion of the nonfederal share of intensive family preservation services resulting from implementation of this section. The commissioner shall also study problems of implementation, barriers to maximizing federal revenue, and the impact on out-of-home placements of implementation of this section. The commissioner shall report to the legislature on the results of this analysis and study, together with recommendations, by February 15, 1995."

Amend the title as follows:

Page 1, line 4, delete from "amending" through page 1, line 8, to "subdivision;"

Page 1, delete line 9 and insert "Statutes, chapter 256."

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

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

S.F. No. 296: A bill for an act relating to human services; requiring parent's social security numbers at birth; modifying various child support provisions; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 144.215, by adding a subdivision; 518.551, subdivisions 5 and 7; 518.611, subdivisions 1, 2, 4, 6, and by adding a subdivision; and 518.613, subdivisions 2, 3, and 4.

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

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

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

S.F. No. 114: A bill for an act relating to state departments; abolishing department of public safety and transferring certain responsibilities and personnel to other agencies; amending Minnesota Statutes 1992, sections 3.732, subdivision 1; 13.99, subdivision 82; 15.01; 15A.081, subdivision 1; 16B.14; 16B.54, subdivision 2; 43A.05, subdivision 4; 43A.34, subdivision 4; 45.027, subdivisions 1, 2, 5, 6, 7, and 8; 45.028, subdivision 1; 65B.28, subdivision 2; 161.125, subdivision 3; 161.20, subdivision 4; 161.465; 168.011, by adding subdivisions; 168.126, subdivision 3; 168.325; 169.751; 169.783, subdivision 1; 170.23; 170.24; 171.015; 214.04, subdivision 1; 216C.19, subdivision 1; 218.031, subdivision 2; 270.73, subdivision 1; 297B.01, subdivision 3; 297C.03, subdivision 1; 297C.10, subdivisions 1 and 2; 297C.12; 297C.13, subdivision 1; 299A.02; 299A.30, subdivision 1; 299A.31, subdivision 1; 299A.331, subdivision 1; 299A.38, subdivisions 1, 2, and 4; 299C.01, subdivisions 2 and 4; 299C.06; 299C.13; 299C.50; 299F.01, subdivision 2; 299L.01, subdivision 1; 340A.201; 347.51, subdivision 2a; 349.151, subdivision 2; 352B.01, subdivision 2; 360.0752, subdivision 7; 360.0753, subdivision 6; 611A.20, subdivision 2; 624.7151; 626.5531, subdivision 2; 626.562, subdivision 1; and 634.16; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 1992, sections 168.325, subdivision 4; 171.015, subdivisions 1 and 5; 270B.12, subdivision 4; 299A.01; 299C.01, subdivision 1; and 299F.01, subdivisions 1 and 3; Laws 1987, chapter 315, section 4, subdivision 2; Laws 1990, chapters 571, section 39; and 594, article 3, sections 6 and 7.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Finance without recommendation.

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

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

S.F. No. 1076: A bill for an act relating to state government; the legislative commission on employee relations; raising the top of a salary range for a judicial position; modifying provisions relating to certain plans; ratifying certain salaries and a bargaining agreement; amending Minnesota Statutes 1992, sections 15A.083, subdivision 4; and 43A.18, subdivision 4; repealing Minnesota Statutes 1992, section 43A.24, subdivision 3.

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

Page 3, after line 8, insert:

“Sec. 3. Minnesota Statutes 1992, section 179A.04, subdivision 3, is amended to read:

Subd. 3. [OTHER DUTIES.] The commissioner shall:

(a) provide mediation services as requested by the parties until the parties reach agreement. The commissioner may continue to assist parties after they have submitted their final positions for interest arbitration;

(b) issue notices, subpoenas, and orders required by law to carry out duties under sections 179A.01 to 179A.25;

(c) maintain a list of arbitrators for referral to employers and exclusive representatives for the resolution of grievance or interest disputes;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the commissioner;

(e) certify the final results of any election or other voting procedure conducted under sections 179A.01 to 179A.25;

(f) adopt rules relating to the administration of this chapter; and the conduct of hearings and elections;

(g) receive, catalogue, and file all decisions of arbitrators and panels authorized by sections 179A.01 to 179A.25, all grievance arbitration decisions, and the commissioner's orders and decisions. All decisions catalogued and filed shall be readily available to the public;

(h) adopt, subject to chapter 14, a grievance procedure to fulfill the purposes of section 179A.20, subdivision 4. The grievance procedure shall not provide for the services of the bureau of mediation services. The grievance procedure shall be available to any employee in a unit not covered by a contractual grievance procedure;

(i) conduct elections;

(j) maintain a schedule of state employee classifications or positions assigned to each unit established in section 179A.10, subdivision 2;

(k) collect such fees as are established by rule for empanelment of persons on the labor arbitrator roster maintained by the commissioner or in conjunction with fair share fee challenges;

(l) provide technical support and assistance to voluntary joint labor-management committees established for the purpose of improving relationships between exclusive representatives and employers; at the discretion of the commissioner;

(m) provide to the parties a list of arbitrators as required by section 179A.16, subdivision 4;

(n) adopt, subject to chapter 14, uniform baseline determination documents and uniform collective bargaining agreement settlement documents applicable to all negotiations between exclusive representatives of appropriate units of public employees and public employers other than townships and prescribe procedures and instructions for completion of the documents. *The commissioner must, at a minimum, include these individual elements in the uniform baseline determination document: the costs of any increases to the wage schedule; the costs of employees moving through the wage schedule; costs of medical insurance; costs of dental insurance; costs of life insurance; lump sum payments; shift differentials; agreement settlement documents applicable to all negotiations between exclusive representatives of appropriate units of public employees and public employers other than townships and prescribe procedures and instructions for completion of the documents. The commissioner must, at a minimum, include these individual elements in the uniform baseline determination document: the costs of any increases to the wage schedule; the costs of employees moving through the wage schedule; costs of medical insurance; costs of dental insurance; costs of life insurance; lump sum payments; shift differentials; extracurricular activities; longevity; and contributions to a deferred compensation account. The calculation of the base year must be based on an annualization of the costs provided in the base year contract.* A completed uniform collective bargaining agreement settlement document must be presented to the public employer at the time it ratifies a collective bargaining agreement and must be available afterward for inspection during normal business hours at the principal administrative offices of the public employer; and

(o) from the names provided by representative organizations, maintain a list of arbitrators to conduct teacher discharge or termination hearings according to section 125.12 or 125.17. The persons on the list shall meet at least one of the following requirements:

(1) be a former or retired judge;

(2) be a qualified arbitrator on the list maintained by the bureau;

(3) be a present, former, or retired administrative law judge; or

(4) be a neutral individual who is learned in the law and admitted to practice in Minnesota, who is qualified by experience to conduct these hearings, and who is without bias to either party.

Each year, the Minnesota education association shall provide a list of seven names, the Minnesota federation of teachers a list of seven names, and the Minnesota school boards association a list of 14 names of persons to be on the list. The commissioner may adopt rules about maintaining and updating the list."

Page 4, line 15, delete "7" and insert "8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "and" and after the second semicolon, insert "and 179A.04, subdivision 3;"

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

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

S.F. No. 1210: A bill for an act relating to state government; providing for the composition of the legislative advisory commission; providing for review of certain projects; amending Minnesota Statutes 1992, sections 3.30, subdivision 2; 7.09, subdivision 1; 298.2211, subdivision 3; 298.2213, subdivision 4; 298.223, subdivision 2; 298.28, subdivision 7; and 298.296, subdivision 1.

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

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

S.F. No. 834: A bill for an act relating to energy; directing the public service department to evaluate and implement a policy to promote the use of motor vehicles powered by alternate fuels; amending Minnesota Statutes 1992, section 216C.01, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 216B; and 216C.

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

Page 4, line 31, after the period, insert "*Assessment receipts are appropriated to the commissioner of public service for fiscal year 1994.*"

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "appropriating money;"

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

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

S.F. No. 708: A bill for an act relating to agriculture; exempting certain nonprofit organizations from the requirement for a nursery stock dealer certificate; proposing coding for new law in Minnesota Statutes, chapter 18.

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

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

H.F. No. 882: A bill for an act relating to outdoor recreation; creating the Lake Superior water trail; proposing coding for new law in Minnesota Statutes, chapter 85.

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

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

S.F. No. 1307: A bill for an act relating to state government; modifying provisions relating to the department of administration; amending Minnesota Statutes 1992, sections 13.37, subdivision 2; 13B.04; 15.061; 16B.06, subdivision 2; 16B.101, subdivision 3; 16B.17; 16B.19, subdivisions 2 and 10; 16B.24, subdivision 6; 16B.27, subdivision 3; 16B.32, subdivision 2; 16B.42, subdivisions 1, 2, 3, and 4; 16B.465, subdivision 6; 16B.48, subdivisions 2 and 3; 16B.49; 16B.51, subdivisions 2 and 3; 16B.58, subdivisions 1, 5, and 8; 16B.85, subdivision 1; 94.10, subdivision 1; 343.01, subdivisions 2, 3, and by adding subdivisions; and 403.11, subdivision 1; Laws 1979, chapter 333, section 18; and Laws 1991, chapter 345, article 1, section 17, subdivision 4, as amended; proposing coding for new law in Minnesota Statutes, chapter 16B; repealing Minnesota Statutes 1992, sections 3.3026; 16B.41, subdivision 4; 16B.56, subdivision 4; and Laws 1987, chapter 394, section 13.

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

Pages 1 and 2, delete section 1 and insert:

“ARTICLE 1

DEPARTMENT OF ADMINISTRATION”

Page 2, line 19, strike “Pursuant to the provisions of” and insert “*In accordance with*”

Page 2, line 24, strike “shall” and insert “*is*” and strike “be”

Page 2, line 34, after “delegate” insert a comma

Pages 3 to 6, delete sections 5 to 8 and insert:

“Sec. 4. Minnesota Statutes 1992, section 15.50, subdivision 2, is amended to read:

Subd. 2. [CAPITOL AREA PLAN.] (a) The board shall prepare, prescribe, and from time to time amend a comprehensive use plan for the capitol area, ~~herein~~ called the area in *this subdivision*, which shall ~~initially consist~~ *consists* of that portion of the city of Saint Paul comprehended within the following boundaries: Beginning at the point of intersection of the centerline of the Arch-Pennsylvania freeway and the centerline of Marion Street, thence southerly along the centerline of Marion Street extended to a point 50 feet south of the south line of Concordia Avenue, thence southeasterly along a line extending 50 feet from the south line of Concordia Avenue to a point 125 feet from the west line of John Ireland Boulevard, thence southwesterly along a line extending 125 feet from the west line of John Ireland Boulevard to the south line of Dayton Avenue, thence northeasterly from the south line of Avenue to the west line of John Ireland Boulevard, thence northeasterly to the centerline of the intersection of Old Kellogg Boulevard and Summit Avenue, thence northeasterly along the centerline of Summit Avenue to the south line of the right-of-way of the Fifth Street ramp, ~~thence southeasterly along the right-of-way of the Fifth Street ramp to the center line of the new West Kellogg Boulevard, thence southerly along the east line of the new West Kellogg Boulevard, to the center line of West Seventh Street, thence northeasterly along the center line of West Seventh Street to the center line of the Fifth Street ramp, thence northwesterly along the center line of the Fifth Street ramp to the center line of Main Street, thence northerly along the center line of Main~~

Street to the east line of the right-of-way of Interstate Highway 35-E, then northeasterly along the east line of the right-of-way of 35-E, thence Interstate Highway 35-E to the south line of the right-of-way of Interstate Highway 94, thence easterly along the south line of the right-of-way of Interstate Highway 94 to the west line of St. Peter Street, thence southerly to the south line of Eleventh Street, thence easterly along the south line of Eleventh Street to the west line of Cedar Street, thence southeasterly along the west line of Cedar Street to the centerline of Tenth Street, thence northeasterly along the centerline of Tenth Street to the centerline of Minnesota Street, thence northwesterly along the centerline of Minnesota Street to the centerline of Eleventh Street, thence northeasterly along the centerline of Eleventh Street to the centerline of Jackson Street, thence northwesterly along the centerline of Jackson Street to the centerline of the Arch-Pennsylvania freeway extended, thence westerly along the centerline of the Arch-Pennsylvania freeway extended and Marion Street to the point of origin. Pursuant to Under the comprehensive plan, or any a portion thereof of it, the board may regulate, by means of zoning rules adopted pursuant to under the administrative procedure act, the kind, character, height, and location, of buildings and other structures constructed or used, the size of yards and open spaces, the percentage of lots that may be occupied, and the uses of land, buildings and other structures, within the area. To protect and enhance the dignity, beauty, and architectural integrity of the capitol area, the board is further empowered to include in its zoning rules design review procedures and standards with respect to any proposed construction activities in the capitol area significantly affecting the dignity, beauty, and architectural integrity of the area. No person shall may undertake these construction activities as defined in the board's rules in the capitol area without first submitting construction plans to the board, obtaining a zoning permit from the board, and receiving a written certification from the board specifying that the person has complied with all design review procedures and standards. Violation of the zoning rules is a misdemeanor. The board may, at its option, proceed to abate any violation by injunction. The board and the city of St. Paul shall cooperate in assuring that the area adjacent to the capitol area is developed in a manner that is in keeping with the purpose of the board and the provisions of the comprehensive plan.

(b) The commissioner of administration shall act as a consultant to the board with regard to the physical structural needs of the state. The commissioner shall make studies and report the results to the board when they request it requests reports for their its planning purpose.

(c) No public building, street, parking lot, or monument, or other construction shall may be built or altered on any public lands within the area unless the plans for the same conforms project conform to the comprehensive use plan as specified in clause (d) and to the requirement for competitive plans as specified in clause (e). No alteration substantially changing the external appearance of any existing public building approved in the comprehensive plan or the exterior or interior design of any proposed new public building the plans for which were secured by competition under clause (e), may be made without the prior consent of the board. The commissioner of administration shall consult with the board regarding internal changes having the effect of substantially altering the architecture of the interior of any proposed building.

(d) The comprehensive plan shall must show the existing land uses and recommend future uses including: areas for public taking and use; zoning for private land and criteria for development of public land, including building

areas and open spaces; vehicular and pedestrian circulation; utilities systems; vehicular storage; elements of landscape architecture. No substantial alteration or improvement ~~shall~~ *may* be made to public lands or buildings in the area save with the written approval of the board.

(e) The board shall secure by competitions, plans for any new public building. Plans for any comprehensive plan, landscaping scheme, street plan, or property acquisition, ~~which~~ *that* may be proposed, or for any proposed alteration of any existing public building, landscaping scheme or street plan may be secured by a similar competition. ~~Such~~ A competition ~~shall~~ *must* be conducted under rules prescribed by the board and may be of any type which meets the competition standards of the American Institute of Architects. Designs selected ~~shall~~ become the property of the state of Minnesota, and the board may award one or more premiums in each such competition and may pay ~~such~~ *the* costs and fees ~~as that~~ *as* may be required for ~~the its~~ *its* conduct ~~thereof~~. At the option of the board, plans for projects estimated to cost less than \$1,000,000 may be approved without competition provided ~~such~~ *the* plans have been considered by the advisory committee described in ~~elause~~ *elause* paragraph (f). Plans for projects estimated to cost less than \$400,000 and for construction of streets need not be considered by the advisory committee if in conformity with the comprehensive plan.

(f) The board ~~shall~~ *may* not adopt any plan under ~~elause~~ *elause* paragraph (e) unless it first receives the comments and criticism of an advisory committee of three persons, each of whom is either an architect or a planner, who have been selected and appointed as follows: one by the board of the arts, one by the board, and one by the Minnesota Society of the American Institute of Architects. Members of the committee ~~shall~~ *may* not be contestants under clause (e). The comments and criticism ~~shall~~ *must* be a matter of public information. The committee shall advise the board on all architectural and planning matters. For that purpose:

(1) The committee ~~shall~~ *must* be kept currently informed concerning, and have access to, all data, including all plans, studies, reports and proposals, relating to the area as the ~~same~~ *data* are developed or in the process of preparation, whether by the commissioner of administration, the commissioner of trade and economic development, the metropolitan council, the city of Saint Paul, or by any architect, planner, agency or organization, public or private, retained by the board or not retained and engaged in any work or planning relating to the area, and a copy of any ~~such~~ *such* data prepared by any public employee or agency ~~shall~~ *must* be filed with the board promptly upon completion;

(2) The board may employ ~~such~~ *such* stenographic or technical help ~~as that~~ *as* may be reasonable to assist the committee to perform its duties;

(3) When so directed by the board, the committee may serve as, and any member or members ~~thereof~~ *of the committee* may serve on, the jury or as professional advisor for any architectural competition. The board shall select the architectural advisor and jurors for any competition with the advice of the committee; and.

(4) The city of Saint Paul shall advise the board.

(g) The comprehensive plan for the area ~~shall~~ *must* be developed and maintained in close cooperation with the commissioner of trade and economic development and, the planning department and the council for the city of

Saint Paul, and the board of the arts, and no such plan or amendment thereof shall of a plan may be effective without 90 days' notice to the planning department of the city of Saint Paul and the board of the arts.

(h) The board and the commissioner of administration, jointly, shall prepare, prescribe, and from time to time revise standards and policies governing the repair, alteration, furnishing, appearance, and cleanliness of the public and ceremonial areas of the state capitol building. Pursuant to this power, The board shall consult with and receive advice from the director of the Minnesota state historical society regarding the historic fidelity of plans for the capitol building. The standards and policies developed as herein provided shall be under this paragraph are binding upon the commissioner of administration. The provisions of sections 14.02, 14.04 to 14.36, 14.38, and 14.44 to 14.45 shall do not apply to this clause.

(i) The board in consultation with the commissioner of administration shall prepare and submit to the legislature and the governor no later than October 1 of each even-numbered year a report on the status of implementation of the comprehensive plan together with a program for capital improvements and site development, and the commissioner of administration shall provide the necessary cost estimates for the program.

(j) The state shall, by the attorney general upon the recommendation of the board and within appropriations available for that purpose, acquire by gift, purchase, or eminent domain proceedings any real property situated in the area described in this section, and it shall may also have the power to acquire an interest less than a fee simple interest in the property, if it finds that ~~it~~ the property is needed for future expansion or beautification of the area.

(k) The board is the successor of the state veterans' service building commission, and as such may adopt rules and may reenact the rules adopted by its predecessor under Laws 1945, chapter 315, and acts amendatory thereof amendments to it.

(l) The board shall meet at the call of the chair and at such other times as it may prescribe.

(m) The commissioner of administration shall assign quarters in the state veterans service building to (1) the department of veterans affairs, of which ~~such a part as~~ that the commissioner of administration and commissioner of veterans affairs may mutually determine shall must be on the first floor above the ground, and (2) the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Military Order of the Purple Heart, United Spanish War Veterans, and Veterans of World War I, and their auxiliaries, incorporated, or when incorporated, under the laws of the state, and (3) as space becomes available, to ~~such~~ other state departments and agencies as the commissioner may deem desirable."

Page 8, line 4, strike the comma

Page 9, strike lines 25 to 36

Pages 10 and 11, delete section 12 and insert:

"Sec. 8. Minnesota Statutes 1992, section 16B.42, subdivision 1, is amended to read:

Subdivision 1. [COMPOSITION.] The commissioner of administration shall appoint an intergovernmental information systems advisory council, to

serve at the pleasure of the commissioner of administration, consisting of 25 members. Fourteen members shall be appointed or elected officials of local governments, seven shall be representatives of state agencies, and four shall be selected from the community at large. Further, the council shall be composed of (1) two members from each of the following groups: counties outside of the seven county metropolitan area, cities of the second and third class outside the metropolitan area, cities of the second and third class within the metropolitan area, and cities of the fourth class; (2) one member from each of the following groups: the metropolitan council, an outstate regional body, counties within the metropolitan area, cities of the first class, school districts in the metropolitan area, and school districts outside the metropolitan area, and public libraries; (3) one member each ~~from~~ appointed by the state departments of administration, education, human services, revenue, and jobs and training, the office of strategic and long-range planning, and the legislative auditor; (4) one member from the office of the state auditor, appointed by the auditor; and (5) four members from the state community at large. To the extent permitted by available resources the commissioner shall furnish staff and other assistance as requested by the council the assistant commissioner of administration for the information policy office; (6) one member appointed by each of the following organizations: league of Minnesota cities, association of Minnesota counties, Minnesota association of township officers, and Minnesota association of school administrators; and (7) one member of the house of representatives appointed by the speaker and one member of the senate appointed by the subcommittee on committees of the committee on rules and administration. The commissioner of administration shall appoint members under clauses (1) and (2). The terms, compensation, and removal of the appointed members of the advisory council shall be as provided in section 15.059, but the council does not expire until June 30, 1993 15.0575."

Page 11, line 4, after "shall" insert a colon

Page 11, line 9, delete the new language and insert a semicolon

Page 12, line 5, before the semicolon, insert "*which must include the assistant commissioner of the information policy office*"

Page 12, delete lines 14 to 16

Page 12, line 22, delete "authority" and insert "control"

Page 12, after line 35, insert:

"Sec. 12. Minnesota Statutes 1992, section 16B.465, subdivision 3, is amended to read:

Subd. 3. [DUTIES.] The commissioner, after consultation with the council, shall:

(1) provide voice, data, video, and other telecommunications transmission services to the state and to political subdivisions through the statewide telecommunications access routing system an account in the intertechnologies revolving fund;

(2) manage vendor relationships, network function, and capacity planning in order to be responsive to the needs of the system users;

(3) set rates and fees for services;

(4) approve contracts relating to the system;

(5) develop the system plan, including plans for the phasing of its implementation and maintenance of the initial system, and the annual program and fiscal plans for the system; and

(6) develop a plan for interconnection of the network with private colleges in the state."

Page 16, delete sections 23 and 24

Page 17, line 4, strike "pursuant to" and insert "under"

Page 17, line 9, delete "shall" and insert "must"

Page 17, line 16, delete "shall be" and insert "is"

Page 17, line 27, strike "for" and insert ". This authority does not extend to."

Page 17, line 28, strike "not" and after "to" insert ": (1)" and after the comma, insert "(2)"

Page 17, line 29, after "or" insert "(3)"

Page 18, line 2, strike ", and if the value" and strike "is estimated to"

Page 18, line 3, strike "be" and delete "\$40,000" and strike "or less, may have" and delete "the" and strike "lands appraised"

Page 18, line 4, before "The" insert "If the land is located in the metropolitan area defined in section 473.121, subdivision 2,"

Page 18, line 5, after the period, insert "If the land is outside the metropolitan area, the commissioner shall have the land appraised if the estimated value is in excess of \$20,000."

Page 18, line 23, strike "the" and insert "their"

Page 19, after line 5, insert:

"Sec. 24. [138A.01] [LABOR INTERPRETIVE CENTER; BOARD OF DIRECTORS.]

Subdivision 1. [ESTABLISHMENT.] The labor interpretive center is a public corporation of the state and is not subject to the laws governing a state agency except as provided in this chapter.

Subd. 2. [PURPOSE.] The purpose of the labor interpretive center is to celebrate the contribution of working people to the past, present, and future of Minnesota; to spur an interest among the people of Minnesota in their own family and community traditions of work; to help young people discover their work skills and opportunities for a productive working life; and to advance the teaching of work and labor studies in schools and colleges.

Subd. 3. [BOARD OF DIRECTORS.] The center is governed by a board of ten directors. The membership terms, compensation, removal, and filling of vacancies of members of the board are as provided in section 15.0575. Membership of the board consists of:

(1) three directors appointed by the governor;

(2) one director appointed by the mayor of St. Paul, subject to the approval of the city council;

(3) three directors appointed by the speaker of the house of representatives; and

(4) three directors appointed by the subcommittee on committees of the senate committee on rules and administration.

Directors must be representatives of labor, business, state and local government, local education authorities, and arts groups.

The board shall select a chair of the board from its members, and any other officers of the board deemed necessary.

Subd. 4. [LOCATION.] The center must be located in the capital area of St. Paul as defined in section 15.50, subdivision 2, at the site recommended by the capitol area architectural and planning board.

Subd. 5. [MEETINGS OF THE BOARD.] The board shall meet at least twice a year and may hold additional meetings upon giving notice. Board meetings are subject to section 471.705.

Subd. 6. [CONFLICT OF INTEREST.] A director, employee, or officer of the center may not participate in or vote on a decision of the board relating to a matter in which the director has either a direct or indirect financial interest or a conflict of interest as described in section 10A.07.

Subd. 7. [TORT CLAIMS.] The center is a state agency for purposes of section 3.736.

Sec. 25. [138A.02] [CENTER PERSONNEL.]

Subdivision 1. [GENERALLY.] The board shall appoint an executive director of the center to serve in the unclassified service. The executive director must be chosen on the basis of training, experience, and knowledge in the areas of labor history and the changing world of work. The center shall employ staff, consultants, and other parties necessary to carry out the mission of the center.

Subd. 2. [STATUS OF EMPLOYEES.] Employees of the center are executive branch state employees.

Sec. 26. [138A.03] [POWERS; DUTIES; BOARD; CENTER.]

Subdivision 1. [GENERAL POWERS.] The board has the powers necessary for the care, management, and direction of the center. The powers include: (1) overseeing the planning and construction of the center as funds are available; (2) leasing a temporary facility for the center during development of its organization and program; and (3) establishing advisory groups as needed to advise the board on program, policy, and related issues.

Subd. 2. [DUTIES.] The center is a state agency for purposes of the following accounting and budgeting requirements:

- (1) financial reports and other requirements under section 16A.06;
- (2) the state budget system under sections 16A.095, 16A.10, and 16A.11;
- (3) the state allotment and encumbrance, and accounting systems under

sections 16A.14, subdivisions 2, 3, 4, and 5; and 16A.15, subdivisions 2 and 3; and

(4) indirect costs under section 16A.127.

Subd. 3. [PROGRAM.] *The board shall appoint a program advisory group to oversee the development of the center's programming. It must consist of representatives of cultural and educational organizations, labor education specialists, and curriculum supervisors in local schools. The program of the center may be implemented through exhibits, performances, seminars, films and multimedia presentations, participatory programs for all ages, and a resource center for teachers. Collaborative program development is encouraged with technical colleges, the Minnesota historical society, and other cultural institutions.*

Subd. 4. [BOARD OF GOVERNORS.] *The board may establish a board of governors to incorporate as a nonprofit organization to receive donations for the center and to serve as honorary advisors to the board of directors.*

Sec. 27. [138A.04] [LABOR INTERPRETIVE CENTER ACCOUNT.]

The Minnesota labor interpretive center account is an account in the special revenue fund. Funds in the account not needed for the immediate purposes of the center may be invested by the state board of investment in any way authorized by section 11A.24. Funds in the account are appropriated to the center to be used as provided in this chapter.

Sec. 28. [138A.05] [AUDITS.]

The center is subject to the auditing requirements of sections 3.971 and 3.972.

Sec. 29. [138A.06] [ANNUAL REPORTS.]

The board shall submit annual reports to the legislature on the planning, development, and activities of the center. The board shall supply more frequent reports if requested."

Page 19, line 24, strike "shall be" and insert "is"

Page 20, line 2, delete the new language

Page 20, line 3, delete "society" and strike "shall be" and insert "and the society are"

Page 20, line 21, delete the first "shall" and insert "must" and delete "shall be" and insert "is"

Page 25, after line 3, insert:

"Sec. 37. [LEGISLATIVE AUDITOR.]

The legislative audit commission shall consider directing the legislative auditor to conduct a follow-up study of agency contracting and compliance with laws governing contracting.

Sec. 38. [INITIAL BOARD OF DIRECTORS.]

This section governs the board established by section 24, subdivision 3. Two members appointed by the governor and two members appointed by the mayor

of St. Paul must have two-year initial terms. The initial board of directors must be appointed no later than August 1, 1993.

Sec. 39. [TRANSFER OF APPROPRIATIONS.]

Subdivision 1. [UNENCUMBERED BALANCE.] The unencumbered balance of the appropriation for the labor interpretive center project transferred to the capitol area architectural and planning board in Laws 1991, chapter 345, is transferred to the labor interpretive center account.

Subd. 2. [PROJECT AUTHORIZED BY 1990 LEGISLATURE.] The appropriation in Laws 1990, chapter 610, article 1, section 16, subdivision 4, is transferred to the labor interpretive center."

Page 25, line 9, delete "4, 6 to 8, and 16 to 19" and insert "3, 4, 12 to 16, 24 to 29, and 37 to 39"

Page 25, line 10, delete "to 3, 5, 9 to 15, and 20 to 36" and insert "3, 2, 5 to 11, 17 to 23, 30 to 36, and 40"

Renumber the sections of article 1 in sequence

Page 25, after line 11, insert:

"ARTICLE 2

STATE BUILDING CODE

Section 1. Minnesota Statutes 1992, section 16B.60, subdivision 3, is amended to read:

Subd. 3. [MUNICIPALITY.] "Municipality" means a city, county, or town meeting the requirements of section 368.01, subdivision 1, the University of Minnesota, or the state for public buildings and state licensed facilities.

Sec. 2. Minnesota Statutes 1992, section 16B.60, is amended by adding a subdivision to read:

Subd. 11. [STATE LICENSED FACILITIES.] "State licensed facilities" means a building and its grounds that are licensed by the state as a hospital, nursing home, supervised living facility, free-standing outpatient surgical center, or correctional facility.

Sec. 3. Minnesota Statutes 1992, section 16B.61, subdivision 1a, is amended to read:

Subd. 1a. [ADMINISTRATION BY COMMISSIONER.] The commissioner shall administer and enforce the state building code as a municipality with respect to public buildings and state licensed facilities in the state. The commissioner shall establish appropriate permit, plan review, and inspection fees for public buildings and state licensed facilities. Fees and surcharges for public buildings and state licensed facilities must be remitted to the commissioner, who shall deposit them in the state treasury for credit to the special revenue fund.

Municipalities other than the state having a contractual agreement with the commissioner for code administration and enforcement service for public buildings and state licensed facilities shall charge their customary fees, including surcharge, to be paid directly to the contractual jurisdiction by the applicant seeking authorization to construct a public building or a state

licensed facility. The commissioner shall contract with a municipality other than the state for plan review, code administration, and code enforcement service for public buildings and state licensed facilities in the contractual jurisdiction if the building officials of the municipality meet the requirements of section 16B.65 and wish to provide those services and if the commissioner determines that the municipality has enough adequately trained and qualified building inspectors to provide those services for the construction project.

Sec. 4. Minnesota Statutes 1992, section 16B.61, subdivision 4, is amended to read:

Subd. 4. [REVIEW OF PLANS FOR PUBLIC BUILDINGS AND STATE LICENSED FACILITIES.] Construction or remodeling may not begin on any public building owned by the or state licensed facility until the plans and specifications of the public building have been approved by the commissioner or municipality under contractual agreement pursuant to subdivision 1a. In the case of any other public building, The plans and specifications must be submitted to the commissioner for review, and within 30 days after receipt of the plans and specifications, the commissioner or municipality under contractual agreement shall notify the submitting authority of any recommendations corrections.

Sec. 5. Minnesota Statutes 1992, section 16B.62, subdivision 1, is amended to read:

Subdivision 1. [MUNICIPAL ENFORCEMENT.] The state building code applies statewide and supersedes the building code of any municipality. The state building code does not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized by sections 103F.141, 216C.19, subdivision 8, and 326.244. All municipalities shall adopt and enforce the state building code with respect to new construction within their respective jurisdictions.

If a city has adopted or is enforcing the state building code on June 3, 1977, or determines by ordinance after that date to undertake enforcement, it shall enforce the code within the city. A city may by ordinance extend the enforcement of the code to contiguous unincorporated territory not more than two miles distant from its corporate limits in any direction. Where two or more noncontiguous cities which have elected to enforce the code have boundaries less than four miles apart, each is authorized to enforce the code on its side of a line equidistant between them. Once enforcement authority is extended extraterritorially by ordinance, the authority may continue to be exercised in the designated territory even though another city less than four miles distant later elects to enforce the code. After the extension, the city may enforce the code in the designated area to the same extent as if the property were situated within its corporate limits.

A city which, on June 3, 1977, had not adopted the code may not commence enforcement of the code within or outside of its jurisdiction until it has provided written notice to the commissioner, the county auditor, and the town clerk of each town in which it intends to enforce the code. A public hearing on the proposed enforcement must be held not less than 30 days after the notice has been provided. Enforcement of the code by the city outside of its jurisdiction commences on the first day of January in the year following the notice and hearing.

Municipalities may provide for the issuance of permits, inspection, and enforcement within their jurisdictions by means which are convenient, and lawful, including by means of contracts with other municipalities pursuant to section 471.59, and with qualified individuals. ~~In areas outside of the enforcement authority of a city, the fee charged for the issuance of permits and inspections for single family dwellings may not exceed the greater of \$100 or .005 times the value of the structure, addition, or alteration.~~ The other municipalities or qualified individuals may be reimbursed by retention or remission of some or all of the building permit fee collected or by other means. In areas of the state where inspection and enforcement is unavailable from qualified employees of municipalities, the commissioner shall train and designate individuals available to carry out inspection and enforcement on a fee basis.

Sec. 6. Minnesota Statutes 1992, section 16B.66, is amended to read:

16B.66 [CERTAIN INSPECTIONS.]

The state building inspector may, upon an application setting forth a set of plans and specifications that will be used in more than one municipality to acquire building permits, review and approve the application for the construction or erection of any building or structure designed to provide dwelling space for no more than two families if the set of plans meets the requirements of the state building code. All costs incurred by the state building inspector by virtue of the examination of the set of plans and specifications must be paid by the applicant. ~~The plans and specifications or any plans and specifications required to be submitted to a state agency must be submitted to the state building inspector who shall examine them and if necessary distribute them to the appropriate state agencies for scrutiny regarding adequacy as to electrical, fire safety, and all other appropriate features. These state agencies shall examine and promptly return the plans and specifications together with their certified statement as to the adequacy of the instruments regarding that agency's area of concern.~~ A building official shall issue a building permit upon application and presentation to the official of a set of plans and specifications bearing the approval of the state building inspector if the requirements of all other local ordinances are satisfied.

Sec. 7. Minnesota Statutes 1992, section 16B.70, subdivision 2, is amended to read:

Subd. 2. [COLLECTION AND REPORTS.] All permit surcharges must be collected by each municipality and a portion of them remitted to the state. Each municipality having a population greater than 20,000 people shall prepare and submit to the commissioner once a month a report of fees and surcharges on fees collected during the previous month but shall retain ~~the greater of two percent of the surcharges or that amount collected up to \$25 to~~ apply against the administrative expenses the municipality incurs in collecting the surcharges. All other municipalities shall submit the report and surcharges on fees once a quarter but shall retain ~~the greater of four percent of the surcharges or that amount collected up to \$25 to~~ apply against the administrative expenses the municipalities incur in collecting the surcharges. The report, which must be in a form prescribed by the commissioner, must be submitted together with a remittance covering the surcharges collected by the 15th day following the month or quarter in which the surcharges are collected. All surcharges and other fees prescribed by sections 16B.59 to ~~16B.71~~

16B.73, which are payable to the state, must be paid to the commissioner who shall deposit them in the state treasury for credit to the general fund.

Sec. 8. Minnesota Statutes 1992, section 16B.72, is amended to read:

16B.72 [REFERENDA ON STATE BUILDING CODE IN NONMETROPOLITAN COUNTIES.]

Notwithstanding any other provision of law to the contrary, a county that is not a metropolitan county as defined by section 473.121, subdivision 4, may provide, by a vote of the majority of its electors residing outside of municipalities that have adopted the state building code before January 1, 1977, that no part of the state building code except the building requirements for handicapped persons applies within its jurisdiction.

The county board may submit to the voters at a regular or special election the question of adopting the building code. The county board shall submit the question to the voters if it receives a petition for the question signed by a number of voters equal to at least five percent of those voting in the last general election. The question on the ballot must be stated substantially as follows:

“Shall the state building code be adopted in County?”

If the majority of the votes cast on the proposition is in the negative, the state building code does not apply in the subject county, outside home rule charter or statutory cities or towns that adopted the building code before January 1, 1977, except the building requirements for handicapped persons do apply.

Nothing in this section precludes a ~~home rule charter or statutory city or town~~ municipality that did not adopt the state building code before January 1, 1977, from adopting and enforcing by ordinance or other legal means the state building code within its jurisdiction.

Sec. 9. Minnesota Statutes 1992, section 16B.73, is amended to read:

16B.73 [STATE BUILDING CODE IN MUNICIPALITIES UNDER 2,500; LOCAL OPTION.]

The governing body of a municipality whose population is less than 2,500 may provide that the state building code, except the requirements for handicapped persons, will not apply within the jurisdiction of the municipality, if the municipality is located in whole or in part within a county exempted from its application under section 16B.72. If more than one municipality has jurisdiction over an area, the state building code continues to apply unless all municipalities having jurisdiction over the area have provided that the state building code, except the requirements for handicapped persons, does not apply within their respective jurisdictions. *Nothing in this section precludes a municipality from adopting and enforcing by ordinance or other legal means the state building code within its jurisdiction.*

Sec. 10. [INSTRUCTION TO REVISOR.]

In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall change each reference to “state building inspector” to “state building official” in sections 16B.62, subdivision 2; 16B.63, subdivisions 1 to 4; 16B.64, subdivision 7; and 16B.66.

Sec. 11. [EFFECTIVE DATE.]

This act is effective the day following final enactment, except that section 7 is effective July 1, 1993.

ARTICLE 3

REGULATING CONTRACTS FOR PROFESSIONAL OR
TECHNICAL SERVICES

Section 1. Minnesota Statutes 1992, section 15.061, is amended to read:

15.061 [~~CONSULTANT, PROFESSIONAL AND OR TECHNICAL SERVICES.~~]

~~Pursuant to the provisions of~~ *In accordance with section 16B.17, the head of a state department or agency may, with the approval of the commissioner of administration, contract for consultant services and professional and or technical services in connection with the operation of the department or agency. A contract negotiated under this section shall is not be subject to the competitive bidding requirements of chapter 46 16B.*

Sec. 2. Minnesota Statutes 1992, section 16A.11, is amended by adding a subdivision to read:

Subd. 3b. [CONTRACTS.] The detailed budget estimate must also include the following information on professional and technical services contracts:

(1) the number and amount of contracts over \$25,000 for each agency for the past biennium;

(2) the anticipated number and amount of contracts over \$25,000 for each agency for the upcoming biennium; and

(3) the total value of all contracts from the previous biennium, and the anticipated total value of all contracts for the upcoming biennium.

Sec. 3. Minnesota Statutes 1992, section 16B.17, is amended to read:

16B.17 [~~CONSULTANTS AND PROFESSIONAL OR TECHNICAL SERVICES.~~]

Subdivision 1. [TERMS.] ~~For the purposes of this section, the following terms have the meanings given them:~~

(a) [~~CONSULTANT SERVICES.~~] ~~"Consultant services"~~ *"professional or technical services"* means services which that are intellectual in character; which that do not involve the provision of supplies or materials; which that include consultation analysis, evaluation, prediction, planning, or recommendation; and which that result in the production of a report or the completion of a task.

(b) [~~PROFESSIONAL AND TECHNICAL SERVICES.~~] ~~"Professional and technical services"~~ means services which are predominantly intellectual in character; which do not involve the provision of supplies or materials; and in which the final result is the completion of a task rather than analysis, evaluation, prediction, planning, or recommendation.

Subd. 2. [PROCEDURE FOR CONSULTANT AND PROFESSIONAL AND OR TECHNICAL SERVICES CONTRACTS.] Before approving a

proposed state contract for ~~consultant services or professional and or technical services~~ the commissioner must determine, at least, that:

(1) all provisions of section 16B.19 and subdivision 3 of this section have been verified or complied with;

(2) the work to be performed under the contract is necessary to the agency's achievement of its statutory responsibilities, and there is statutory authority to enter into the contract;

(3) the contract will not establish an employment relationship between the state or the agency and any persons performing under the contract;

(4) no current state employees will engage in the performance of the contract;

(5) no state agency has previously performed or contracted for the performance of tasks which would be substantially duplicated under the proposed contract; ~~and~~

(6) the contracting agency has specified a satisfactory method of evaluating and using the results of the work to be performed; ~~and~~

(7) the combined contract and its amendments will not extend for more than five years.

Subd. 3. [DUTIES OF CONTRACTING AGENCY.] Before an agency may seek approval of a ~~consultant or professional and or technical services~~ contract valued in excess of \$5,000, it must certify to the commissioner that:

(1) *the agency has publicized the contract by posting notices at appropriate worksites within agencies and has made reasonable efforts to determine that no state employee, including an employee outside the contracting agency, is able to perform the services called for by the contract;*

(2) the normal competitive bidding mechanisms will not provide for adequate performance of the services;

(3) ~~the services are not available as a product of a prior consultant or professional and technical services contract, and the contractor has certified that the product of the services will be original in character;~~

(4) reasonable efforts were made to publicize the availability of the contract to the public;

(5) the agency has received, reviewed, and accepted a detailed work plan from the contractor for performance under the contract; ~~and~~

(6) the agency has developed, and fully intends to implement, a written plan providing for the assignment of specific agency personnel to a monitoring and liaison function; the periodic review of interim reports or other indications of past performance, and the ultimate utilization of the final product of the services; ~~and~~

(7) the agency will not allow the contractor to begin work before funds are fully encumbered.

The agency certification must provide detail on how the agency complied with this subdivision. In particular, the agency must describe how it complied with clauses (1) and (4) and what steps it has taken to verify the competence of the proposed contractor.

Subd. 3a. [RENEWALS.] The renewal of a professional or technical contract must comply with all requirements, including notice, required for the original contract. A renewal contract must be identified as such. All notices and reports on a renewal contract must state the date of the original contract and the amount paid previously under the contract.

Subd. 4. [REPORTS.] (a) The commissioner shall submit to the governor and the legislature legislative reference library a monthly listing of all contracts for consultant services and for professional and or technical services executed or disapproved in the preceding month. The report must identify the parties and the contract amount, duration, and tasks to be performed. The commissioner shall also issue quarterly and annual reports summarizing the contract review activities of the department during the preceding quarter.

(b) The monthly, quarterly, and annual reports must:

- (1) be sorted by agency and by contractor;*
- (2) show the aggregate value of contracts issued by each agency and issued to each contractor;*
- (3) distinguish between contracts that are being issued for the first time and contracts that are being renewed;*
- (4) state the termination date of each contract; and*
- (5) categorize contracts according to subject matter, including topics such as contracts for training, contracts for research and opinions, and contracts for computer systems.*

(c) Within 30 days of final completion of a contract over \$5,000 covered by this subdivision, the chief executive of the agency entering into the contract must submit a one-page statement to the chairs of the appropriate policy and finance committees or divisions in the legislature. The report must:

- (1) summarize the purpose of the contract, including why it was necessary to enter into a contract to further the agency's mission;*
- (2) evaluate the conclusions reached under the contract and state how these conclusions help the agency to take action to further accomplish its mission; and*
- (3) state the amount spent on the contract and explain why this amount was a cost-effective way to enable the agency to provide its services or products better or more efficiently.*

Subd. 5. [CONTRACT TERMS.] (a) A consultant or technical and professional or technical services contract must by its terms permit the agency to unilaterally terminate the contract prior to completion, upon payment of just compensation, if the agency determines that further performance under the contract would not serve agency purposes. If the final product of the contract is to be a written report, no more than three copies of the report, one in camera ready form, shall be submitted to the an agency must obtain copies in the most cost-efficient manner. One of the copies must be filed with the legislative reference library.

(b) The terms of the contract must provide that no more than 90 percent of the amount due under the contract may be paid until the final product has been reviewed by the chief executive of the agency entering into the contract,

and the chief executive has certified that the contractor has satisfactorily fulfilled the terms of the contract.

Sec. 4. Minnesota Statutes 1992, section 16B.19, subdivision 2, is amended to read:

Subd. 2. ~~[CONSULTANT, PROFESSIONAL AND OR TECHNICAL PROCUREMENTS.]~~ Every state agency shall for each fiscal year designate for awarding to small businesses at least 25 percent of the value of anticipated procurements of that agency for ~~consultant services or professional and or technical services.~~ The set-aside under this subdivision is in addition to that provided by subdivision 1, but ~~shall~~ *must* otherwise comply with section 16B.17.

Sec. 5. Minnesota Statutes 1992, section 16B.19, subdivision 10, is amended to read:

Subd. 10. ~~[APPLICABILITY.]~~ This section does not apply to construction contracts or contracts for ~~consultant~~, professional, or technical services under section 16B.17 that are financed in whole or in part with federal funds and that are subject to federal disadvantaged business enterprise regulations.

Sec. 6. ~~[APPROPRIATION.]~~

\$. is appropriated to the commissioner of administration for two additional positions to ensure that the commissioner fully complies with laws requiring the commissioner to regulate state agency requests for professional and technical service contracts."

Delete the title and insert:

"A bill for an act relating to state government; modifying provisions relating to the department of administration; including state licensed facilities in coverage by the state building code; clarifying certain language, changing certain duties of the state building inspector and fee provisions; relating to the Minnesota labor interpretive center; establishing the center as an independent public corporation; transferring appropriations; appropriating money; amending Minnesota Statutes 1992, sections 13B.04; 15.061; 15.50, subdivision 2; 16A.11, by adding a subdivision; 16B.06, subdivision 2; 16B.17; 16B.19, subdivisions 2 and 10; 16B.24, subdivision 6; 16B.27, subdivision 3; 16B.32, subdivision 2; 16B.42, subdivisions 1, 2, 3, and 4; 16B.465, subdivisions 3 and 6; 16B.48, subdivisions 2 and 3; 16B.49; 16B.51, subdivisions 2 and 3; 16B.58, subdivision 8; 16B.60, subdivision 3, and by adding a subdivision; 16B.61, subdivisions 1a and 4; 16B.62, subdivision 1; 16B.66; 16B.70, subdivision 2; 16B.72; 16B.73; 16B.85, subdivision 1; 94.10, subdivision 1; 343.01, subdivisions 2, 3, and by adding subdivisions; 403.11, subdivision 1; Laws 1979, chapter 333, section 18; and Laws 1991, chapter 345, article 1, section 17, subdivision 4, as amended; proposing coding for new law in Minnesota Statutes, chapter 16B; proposing coding for new law as Minnesota Statutes, chapter 138A; repealing Minnesota Statutes 1992, sections 3.3026; 16B.41, subdivision 4; 16B.56, subdivision 4; and Laws 1987, chapter 394, section 13."

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

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

S.F. No. 184: A bill for an act relating to recreational vehicles; regulating registration and operation of off-highway motorcycles; setting fees and penalties; requiring reports to the legislature; appropriating money; amending Minnesota Statutes 1992, sections 84.91; 84.911; 85.018, subdivisions 2, 3, and 5; 171.03; and 466.03, subdivision 16; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Delete everything after the enacting clause and insert:

“Section 1. [84.93] [DEFINITIONS.]

Subdivision 1. [SCOPE.] *The definitions in this section apply to sections 1 to 10.*

Subd. 2. [ACCOMPANIED.] *“Accompanied” means subject to continuous direction or control.*

Subd. 3. [CITY.] *“City” means a statutory or home rule charter city.*

Subd. 4. [COMMISSIONER.] *“Commissioner” means the commissioner of natural resources.*

Subd. 5. [DEALER.] *“Dealer” means a person engaged in the business of selling off-highway motorcycles at wholesale or retail.*

Subd. 6. [MANUFACTURER.] *“Manufacturer” means a person engaged in the business of manufacturing off-highway motorcycles.*

Subd. 7. [OFF-HIGHWAY MOTORCYCLE.] *“Off-highway motorcycle” means a motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.*

Subd. 8. [OWNER.] *“Owner” means a person, other than a person with a security interest, that has a property interest in or title to an off-highway motorcycle and is entitled to the use and possession of the motorcycle.*

Subd. 9. [PERSON.] *“Person” has the meaning given it in section 336.1-201, subsection (30).*

Subd. 10. [PUBLIC ROAD RIGHT-OF-WAY.] *“Public road right-of-way” means the entire right-of-way of a town road or a county, county state-aid, or trunk highway, including the traveled portions, banks, ditches, shoulders, and medians.*

Subd. 11. [REGISTER.] *“Register” means the act of assigning a registration number to an off-highway motorcycle.*

Sec. 2. [84.931] [REGISTRATION.]

Subdivision 1. [GENERAL REQUIREMENTS.] *Unless exempted in subdivision 2, after January 1, 1994, a person may not operate and an owner may not give permission for another to operate an off-highway motorcycle on public lands or waters unless the vehicle has been registered under this section.*

Subd. 2. [EXEMPTIONS.] Registration is not required for off-highway motorcycles:

(1) owned and used by the United States, the state, another state, or a political subdivision;

(2) registered in another state or country that have not been within this state for more than 30 consecutive days;

(3) used exclusively in organized track racing events;

(4) being used on private land with the permission of the landowner; or

(5) registered under chapter 168, when operated on forest roads to gain access to a state forest campground.

Subd. 3. [APPLICATION; ISSUANCE; REPORTS.] Application for registration or continued registration must be made to the commissioner or an authorized deputy registrar of motor vehicles on a form prescribed by the commissioner. The form must state the name and address of every owner of the off-highway motorcycle and must be signed by at least one owner. Upon receipt of the application and the appropriate fee, the commissioner shall assign a registration number that must be affixed to the motorcycle in a manner prescribed by the commissioner. The commissioner shall develop a registration system to register vehicles under this section. A deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of off-highway motorcycles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to ensure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements. A fee of 50 cents in addition to other fees prescribed by law is charged for each off-highway motorcycle registered by a deputy registrar, and must be deposited in the treasury of the jurisdiction where the deputy is appointed, or kept if the deputy is not a public official.

Subd. 4. [REGISTRATION CARD; REPLACEMENT FEE.] The commissioner shall provide to the registrant a registration card that includes the registration number, the date of registration, the make and serial number of the off-highway motorcycle, the owner's name and address, and additional information the commissioner may require. Information concerning registrations must be kept by the commissioner. Upon a satisfactory showing that the registration card has been lost or destroyed, the commissioner shall issue a replacement registration card upon payment of a fee of \$4. The fees collected from replacement registration cards must be credited to the off-highway motorcycle account.

Subd. 5. [REPORT OF TRANSFERS; FEE.] A person who sells or transfers ownership of an off-highway motorcycle registered under this section shall report the sale or transfer to the commissioner within 15 days of the date of transfer. An application for transfer must be executed by the registered owner and the buyer on a form prescribed by the commissioner with the owner's registration certificate, a bill of sale, and a \$4 fee.

Subd. 6. [REGISTRATION FEES.] (a) The fee for registration of an off-highway motorcycle under this section, other than those registered by a dealer or manufacturer under paragraph (b) or (c), is \$30 for three years and \$4 for a duplicate or transfer.

(b) *The total registration fee for off-highway motorcycles owned by a dealer and operated for demonstration or testing purposes is \$50 per year. Dealer registrations are not transferable.*

(c) *The total registration fee for off-highway motorcycles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes is \$150 per year. Manufacturer registrations are not transferable.*

(d) *The fees collected under this subdivision must be credited to the off-highway motorcycle account.*

Subd. 7. [RENEWAL.] *An owner of an off-highway motorcycle must renew registration in a manner prescribed by the commissioner upon payment of the appropriate registration fee in subdivision 6.*

Subd. 8. [VEHICLES OWNED BY STATE OR POLITICAL SUBDIVISION.] *A registration number must be issued without the payment of a fee for off-highway motorcycles owned by the state or political subdivision upon application.*

Subd. 9. [LICENSING BY POLITICAL SUBDIVISIONS.] *A political subdivision of this state may not require licensing or registration of off-highway motorcycles covered by sections 1 to 10.*

Subd. 10. [REGISTRATION BY MINORS PROHIBITED.] *A person under the age of 18 may not register an off-highway motorcycle.*

Sec. 3. [84.932] [REQUIREMENTS OF MAKERS OF OFF-HIGHWAY MOTORCYCLES.]

Subdivision 1. [IDENTIFICATION NUMBER.] *An off-highway motorcycle made after January 1, 1994, and sold in the state, must have a manufacturer's permanent identification number stamped in letters and numbers on the vehicle in the form and at a location prescribed by the commissioner.*

Subd. 2. [REGISTRATION NUMBER.] *An off-highway motorcycle made after January 1, 1995, and sold in the state, must be designed and made to provide an area to affix the registration number. This area must be at a location and of dimensions prescribed by the commissioner.*

Sec. 4. [84.933] [RULEMAKING; ACCIDENT REPORT.]

(a) *With a view of achieving proper use of off-highway motorcycles consistent with protection of the environment, the commissioner, in consultation with the commissioners of public safety and transportation, shall adopt rules under chapter 14 relating to:*

(1) *registration of off-highway motorcycles and display of registration numbers;*

(2) *use of off-highway motorcycles insofar as game and fish resources are affected;*

(3) *use of off-highway motorcycles on public lands and waters under the jurisdiction of the commissioner;*

(4) *uniform signs to be used by the state, counties, and cities necessary or*

desirable to control, direct, or regulate the operation and use of off-highway motorcycles; and

(5) off-highway motorcycle sound levels.

(b) The commissioner of public safety, in consultation with the commissioners of natural resources and transportation, may adopt rules under chapter 14 regulating the use of off-highway motorcycles on public roads.

(c) The operator and an officer investigating an accident of an off-highway motorcycle resulting in injury requiring medical attention or hospitalization to or death of a person or total damage to an extent of \$500 or more shall forward within ten days a written report of the accident to the commissioner on a form prescribed by the commissioner.

Sec. 5. [84.934] [EDUCATION AND TRAINING.]

Subdivision 1. [PROGRAM ESTABLISHED.] The commissioner shall establish a comprehensive off-highway motorcycle environment and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of off-highway motorcycle operators, and the issuance of off-highway motorcycle safety certificates to operators under the age of 16 years who successfully complete the off-highway motorcycle environment and safety education and training courses.

Subd. 2. [FEE.] For the purposes of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee not to exceed \$5 from each person who receives the training. The fees must be credited to the off-highway motorcycle account.

Subd. 3. [COOPERATION AND CONSULTATION.] The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this section. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of off-road motorcycle operators.

Sec. 6. [84.935] [SIGNAL FROM OFFICER TO STOP.]

An off-highway motorcycle operator, after having received a visual or audible signal from a law enforcement officer to come to a stop, may not:

(1) operate an off-highway motorcycle in willful or wanton disregard of the signal to stop;

(2) interfere with or endanger the law enforcement officer or another person or vehicle; or

(3) increase speed or attempt to flee or elude the officer.

Sec. 7. [84.936] [YOUTHFUL OPERATORS; PROHIBITIONS.]

Subdivision 1. [PROHIBITIONS ON YOUTHFUL OPERATORS.] (a) After January 1, 1995, a person less than 16 years of age operating an off-highway motorcycle on public lands or waters must possess a valid off-highway motorcycle safety certificate issued by the commissioner.

(b) Except for operation on public road rights-of-way that is permitted under section 9, subdivision 1, a driver's license issued by the state or another state is required to operate an off-highway motorcycle along or on a public road right-of-way.

(c) A person under 12 years of age may not:

(1) make a direct crossing of a public road right-of-way;

(2) operate an off-highway motorcycle on a public road right-of-way in the state; or

(3) operate an off-highway motorcycle on public lands or waters unless accompanied on another off-highway motorcycle by a person 18 years of age or older.

(d) Except for public road rights-of-way of interstate highways, a person less than 16 years of age may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway only if that person is accompanied on another off-highway motorcycle by a person 18 years of age or older who holds a valid driver's license.

(e) A person less than 16 years of age may operate an off-highway motorcycle on public road rights-of-way in accordance with section 9, subdivision 1, paragraph (a), only if that person is accompanied on another off-highway motorcycle by a person 18 years of age or older who holds a valid driver's license.

Subd. 2. [HELMET REQUIRED.] A person less than 18 years of age may not operate an off-highway motorcycle on public land, public waters, or on a public road right-of-way unless wearing a safety helmet approved by the commissioner of public safety.

Subd. 3. [PROHIBITIONS ON OWNER.] An owner of an off-highway motorcycle may not knowingly allow it to be operated contrary to this section.

Subd. 4. [EYE PROTECTION REQUIRED.] A person may not operate an off-highway motorcycle without an eye-protective device.

Sec. 8. [84.937] [OFF-HIGHWAY MOTORCYCLE ACCOUNT; RECEIPTS AND ALLOCATIONS.]

Subdivision 1. [REGISTRATION REVENUE.] Fees from the registration of off-highway motorcycles must be deposited in the state treasury and credited to the off-highway motorcycle account in the natural resources fund.

Subd. 2. [PURPOSES.] (a) Subject to appropriation by the legislature, money in the off-highway motorcycle account may only be spent for:

(1) administration, enforcement, and implementation of sections 1 to 10;

(2) acquisition, maintenance, and development of off-highway motorcycle trails and use areas; and

(3) grants-in-aid to counties and municipalities to construct and maintain off-highway motorcycle trails and use areas.

(b) The distribution of funds made available for grants-in-aid must be guided by the statewide comprehensive outdoor recreation plan.

Sec. 9. [84.938] [OPERATION REQUIREMENTS; LOCAL REGULATION.]

Subdivision 1. [OPERATION ON PUBLIC ROAD RIGHTS-OF-WAY.] (a) A person may not operate an off-highway motorcycle within the right-of-way of a town road or a trunk, county state-aid, or county highway in this state unless the right-of-way encompasses:

(1) a trail administered by the commissioner and designated for off-highway motorcycle use or multiple use; or

(2) a corridor access trail designated under paragraph (b).

(b) A road authority, as defined in section 160.02, subdivision 9, may designate, with the approval of the commissioner, corridor access trails on public road rights-of-way for gaining access to established off-highway motorcycle trails.

(c) A person may not operate an off-highway motorcycle upon a trunk, county state-aid, or county highway in this state unless the vehicle is equipped with at least one headlight and one taillight, each of minimum candlepower as prescribed by rule of the commissioner, and with brakes conforming to standards prescribed by rule of the commissioner, all of which are subject to the approval of the commissioner of public safety.

(d) A person may not operate an off-highway motorcycle at any time within the right-of-way of an interstate highway or freeway within this state.

Subd. 2. [CROSSING PUBLIC ROAD RIGHT-OF-WAY.] (a) A person operating an off-highway motorcycle may make a direct crossing of a public road right-of-way provided:

(1) the crossing is made at an angle of approximately 90 degrees to the direction of the road and at a place where no obstruction prevents a quick and safe crossing;

(2) the off-highway motorcycle is brought to a complete stop before crossing the shoulder or main traveled way of the road;

(3) the driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;

(4) in crossing a divided road, the crossing is made only at an intersection of the road with another public road; and

(5) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

(b) Chapter 169 applies to the operation of off-highway motorcycles upon streets and highways, except for those provisions relating to required equipment and those provisions that by their nature have no application.

Subd. 3. [EXEMPTIONS.] Subdivisions 1 and 2 do not apply to vehicles registered for public road use under chapter 168 when being operated on a traveled portion of a public road.

Subd. 4. [OPERATION GENERALLY.] A person may not drive or operate an off-highway motorcycle:

(1) at a rate of speed greater than reasonable or proper under the surrounding circumstances;

(2) in a careless, reckless, or negligent manner so as to endanger or to cause injury or damage to the person or property of another;

(3) in a tree nursery or planting in a manner that damages or destroys growing stock;

(4) without a brake operational by either hand or foot;

(5) at a speed exceeding ten miles per hour on the frozen surface of public waters within 100 feet of a person fishing or a fishing shelter; or

(6) in a manner that violates operation rules adopted by the commissioner.

Subd. 5. [OPERATING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE.] A person may not operate or be in control of an off-highway motorcycle anywhere in this state or on the ice of any boundary water of this state while under the influence of alcohol or a controlled substance, as provided in section 169.121, and is subject to section 169.123. A conservation officer of the department of natural resources is a peace officer for the purposes of sections 169.121 and 169.123 as applied to the operation of an off-highway motorcycle in a manner not subject to registration under chapter 168.

Subd. 6. [OPERATION PROHIBITED ON AIRPORTS.] A person may not drive or operate an off-highway motorcycle on an airport defined in section 360.013, subdivision 5.

Subd. 7. [ORGANIZED CONTESTS.] Nothing in this section or chapter 169 prohibits the use of off-highway motorcycles within the right-of-way of a state trunk or county state-aid highway or upon public lands or waters under the jurisdiction of the commissioner of natural resources, in an organized contest or event, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters.

In permitting the contest or event, the official or board having jurisdiction may prescribe restrictions, conditions, or permit revocation procedures, as the official or board considers advisable.

Subd. 8. [REGULATIONS BY POLITICAL SUBDIVISIONS.] A county, city, or town, acting through its governing body, may regulate the operation of off-highway motorcycles on public lands, waters, and property under its jurisdiction other than public road rights-of-way within its boundaries, by resolution or ordinance of the governing body and by giving appropriate notice, provided that:

(1) the regulations must be consistent with sections 1 to 10 and rules adopted under section 4;

(2) an ordinance may not impose a fee for the use of public land or water under the jurisdiction of either the department of natural resources or another agency of the state, or for the use of an access to it owned by the state, a county, or a city; and

(3) an ordinance may not require an off-highway motorcycle operator to possess a motor vehicle driver's license while operating an off-highway motorcycle.

Sec. 10. [84.939] [PENALTIES.]

A person who violates a provision of section 2, 3, 6, 7, or 9 is guilty of a misdemeanor.

Sec. 11. Minnesota Statutes 1992, section 85.018, subdivision 2, is amended to read:

Subd. 2. [AUTHORITY OF LOCAL GOVERNMENT.] (a) A local government unit that receives state grants-in-aid for any trail, with the concurrence of the commissioner, and the landowner or land lessee, may:

(1) designate the trail for use by snowmobiles or for nonmotorized use from December 1 to April 1 of any year; and

(2) issue any permit required under subdivisions 3 to 5.

(b) A local government unit that receives state grants-in-aid under section 84.927, subdivision 2, or section 8, subdivision 2, for any trail, with the concurrence of the commissioner, and landowner or land lessee, may:

(1) designate the trail specifically for use at various times of the year by all-terrain vehicles or off-highway motorcycles, for nonmotorized use such as ski touring, snowshoeing, and hiking, and for multiple use, but not for motorized and nonmotorized use at the same time; and

(2) issue any permit required under subdivisions 3 to 5.

(c) A local unit of government that receives state grants-in-aid for any trail, with the concurrence of the commissioner and landowner or land lessee, may designate certain trails for joint use by snowmobiles, off-highway motorcycles, and all-terrain vehicles.

Sec. 12. Minnesota Statutes 1992, section 85.018, subdivision 3, is amended to read:

Subd. 3. [MOTORIZED USE; PERMITS, RESTRICTIONS.] Permits may be issued for motorized vehicles, other than those designated, to use a trail designated for use by snowmobiles, off-highway motorcycles, or all-terrain vehicles. Notice of the permit must be conspicuously posted, at the expense of the permit holder, at no less than one-half mile intervals along the trail, for the duration of the permit. Permits shall require that permit holders return the trail and any associated facility to their original condition if any damage is done by the permittee. Limited permits for special events such as races may be issued and shall require the removal of any trail markers, banners and other material used in connection with the special event.

Sec. 13. Minnesota Statutes 1992, section 85.018, subdivision 5, is amended to read:

Subd. 5. [SNOWMOBILE AND ALL-TERRAIN MOTORIZED VEHICLE TRAILS RESTRICTED.] (a) From December 1 to April 1 in any year no use of a motorized vehicle other than a snowmobile, unless authorized by permit, lease or easement, shall be permitted on a trail designated for use by snowmobiles.

(b) From December 1 to April 1 in any year no use of a motorized vehicle other than an all-terrain vehicle and an off-highway motorcycle, unless authorized by permit, shall be permitted on a trail designated for use by all-terrain vehicles and off-highway motorcycles.

Sec. 14. Minnesota Statutes 1992, section 171.03, is amended to read:

171.03 [PERSONS EXEMPT.]

The following persons are exempt from license hereunder:

(1) a person in the employ or service of the United States federal government while driving or operating a motor vehicle owned by or leased to the United States federal government, except that only a noncivilian operator of a commercial motor vehicle owned or leased by the United States Department of Defense or the Minnesota national guard is exempt from the requirement to possess a valid commercial motor vehicle driver's license;

(2) any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a highway, and for purposes of this section an all-terrain vehicle, as defined in section 84.92, subdivision 8, ~~is not an implement and an off-highway motorcycle, as defined in section 1, subdivision 7, are not implements~~ of husbandry;

(3) a nonresident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the nonresident in the home state or country may operate a motor vehicle in this state only as a driver;

(4) a nonresident who has in immediate possession a valid commercial driver's license issued by a state in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716, and who is operating in Minnesota the class of commercial motor vehicle authorized by the issuing state;

(5) any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver, only for a period of not more than 90 days in any calendar year if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of such nonresident;

(6) any person who becomes a resident of the state of Minnesota and who has in possession a valid driver's license issued to the person under and pursuant to the laws of some other state or province or by military authorities of the United States may operate a motor vehicle as a driver, only for a period of not more than 60 days after becoming a resident of this state without being required to have a Minnesota driver's license as provided in this chapter;

(7) any person who becomes a resident of the state of Minnesota and who has in possession a valid commercial driver's license issued by another state in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716, for not more than 30 days after becoming a resident of this state; and

(8) any person operating a snowmobile, as defined in section 84.81.

Sec. 15. Minnesota Statutes 1992, section 466.03, subdivision 16, is amended to read:

Subd. 16. Any claim against a county, arising from the operation of an all-terrain vehicle or off-highway motorcycle on land administered by a county under chapter 280, 281, or 282, except that the county is liable for conduct that would entitle a trespasser to damages against a private person.

Sec. 16. [DETERMINATION OF TAX ALLOCATION; REPORT TO LEGISLATURE.]

The commissioners of natural resources, revenue, and transportation shall jointly determine the amount of unrefunded gasoline tax attributable to off-highway motorcycle use in the state and shall report to the legislature by March 1, 1994, with an appropriate proposed revision to Minnesota Statutes, section 296.16.

Sec. 17. [LEGISLATIVE REPORT ON REGISTRATION AND USE.]

By January 1, 1995, the commissioner of natural resources shall report to the legislature on the number of off-highway motorcycles registered under section 2 and the growth patterns of off-highway motorcycle use in the state.

Sec. 18. [APPROPRIATION AND REIMBURSEMENT; INCREASED COMPLEMENT.]

Subdivision 1. [TO COMMISSIONER OF NATURAL RESOURCES.] \$235,000 is appropriated to the commissioner of natural resources from the general fund for the purposes of sections 1 to 17 and is available for the fiscal year ending June 30, 1994. The approved complement of the department of natural resources is increased by 2 positions.

Subd. 2. [REIMBURSEMENT.] Amounts spent by the commissioner of natural resources from the appropriation in subdivision 1 must be reimbursed by December 31, 1994 to the general fund. The amount necessary to make the reimbursement is appropriated from the off-highway motorcycle account in the natural resources fund to the commissioner of finance for transfer to the general fund.

Sec. 19. [EFFECTIVE DATE.]

Section 16 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to recreational vehicles; regulating registration and operation of off-highway motorcycles; setting fees and penalties; requiring reports to the legislature; appropriating money; amending Minnesota Statutes 1992, sections 85.018, subdivisions 2, 3, and 5; 171.03; and 466.03, subdivision 16; proposing coding for new law in Minnesota Statutes, chapter 84."

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

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

S.F. No. 774: A bill for an act relating to natural resources; notifying the department of transportation to comply with the comprehensive plan for the Mississippi headwaters area; authorizing special projects to be approved by the Mississippi headwaters board with costs assessed to benefited counties; appropriating money; amending Minnesota Statutes 1992, section 103F.371; proposing coding for new law in Minnesota Statutes, chapter 103F.

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

Page 2, line 16, delete "\$315,500" and insert "(a) \$224,000"

Page 2, lines 19 and 20, delete "\$157,750" and insert "\$112,000"

Page 2, after line 25, insert:

"(b) The appropriation to the department of natural resources in 1993 S.F. No. 1570 is reduced by \$112,000 in fiscal year 1994 and \$112,000 in fiscal year 1995."

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

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

S.F. No. 1088: A bill for an act relating to recreational vehicles; regulating registration and operation of off-road vehicles; setting fees; providing penalties; requiring a comprehensive recreational use plan; requiring reports to the legislature; appropriating money; amending Minnesota Statutes 1992, sections 85.018, subdivisions 1, 2, 3, and 5; 171.03; and 466.03, subdivision 16; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1992, section 84.82, subdivision 2, is amended to read:

Subd. 2. [APPLICATION, ISSUANCE, REPORTS, FEE.] (a) Application for registration or reregistration shall be made to the commissioner of natural resources, or the commissioner of public safety or an authorized deputy registrar of motor vehicles in such form as the commissioner of public safety shall prescribe, and shall state the name and address of every owner of the snowmobile and be signed by at least one owner.

(b) A person who purchases a snowmobile from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue a temporary registration permit to each purchaser who applies to the dealer for registration. The temporary registration is valid for 60 days from the date of issue. Each retail dealer shall submit completed registration and fees to the deputy registrar at least once a week. Upon receipt of the application and the appropriate fee as hereinafter provided, such snowmobile shall be registered and a registration number assigned which shall be affixed to the snowmobile in such manner as the commissioner of natural resources shall prescribe.

(c) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with these accounting and procedural requirements.

(d) A fee of 50 cents \$1.50 in addition to ~~that other fees~~ otherwise prescribed by law shall be charged for each snowmobile registered by the

registrar or a deputy registrar *and* the additional fee shall be disposed of in the manner provided in section 168.33, subdivision 2.

Sec. 2. Minnesota Statutes 1992, section 84.922, subdivision 2, is amended to read:

Subd. 2. [APPLICATION, ISSUANCE, REPORTS.] (a) Application for registration or continued registration shall be made to the commissioner of natural resources, the commissioner of public safety or an authorized deputy registrar of motor vehicles on a form prescribed by the commissioner. The form must state the name and address of every owner of the vehicle and be signed by at least one owner.

(b) Upon receipt of the application and the appropriate fee the commissioner shall register the vehicle and assign a registration number that must be affixed to the vehicle in a manner prescribed by the commissioner. The commissioner shall use the snowmobile registration system to register vehicles under this section.

(c) Each deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of *all-terrain* vehicles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements.

(d) A fee of ~~50 cents~~ \$1.50 in addition to other fees prescribed by law shall be charged for each vehicle registered by a deputy registrar, and shall be deposited in the treasury of the jurisdiction where the deputy is appointed, or retained if the deputy is not a public official."

Page 1, lines 14 and 25, delete "1 to 9" and insert "3 to 11"

Page 2, line 5, after the first semicolon, insert "*a motorcycle;*"

Page 3, line 7, after the comma, insert "*or designated trail or area,*"

Page 3, line 17, delete "*the commissioner of public safety,*"

Page 5, line 8, delete "1 to 9" and insert "3 to 11"

Page 6, line 15, delete "8" and insert "10"

Page 6, lines 21 and 22, delete "AND UNREFUNDED GASOLINE TAX"

Page 6, delete line 23

Page 6, line 24, delete everything before "*must*"

Page 6, line 30, delete "1 to 9" and insert "3 to 11"

Page 6, line 31, delete "18" and insert "21"

Page 9, line 18, delete "*within*" and insert "*under*"

Page 9, lines 22 and 32, delete "1 to 9" and insert "3 to 11"

Page 9, line 23, delete "4" and insert "6"

Page 10, line 5, delete "1 to 9" and insert "3 to 11"

Page 10, line 6, delete "4" and insert "6"

Page 10, line 17, delete "1" and insert "3"

Page 10, line 34, delete "7" and insert "9"

Page 12, after line 1, insert:

"Sec. 16. Minnesota Statutes 1992, section 86B.415, subdivision 8, is amended to read:

Subd. 8. [REGISTRAR'S FEE.] (a) In addition to the license fee, a fee of ~~50 cents~~ \$1.50 shall be charged for a watercraft license issued through the registrar or a deputy registrar of motor vehicles:

(b) and the additional fee shall be disposed of in the manner provided in section 168.33, subdivision 2."

Page 12, line 18, delete "1" and insert "3"

Page 13, line 21, delete "1" and insert "3"

Page 13, line 30, delete "January 1, 1995" and insert "March 1, 1994"

Page 13, line 36, delete "2" and insert "4"

Page 14, line 33, delete "\$....." and insert "\$300,000"

Page 14, line 35, delete "1 to 18" and insert "3 to 21"

Page 15, line 2, delete "... positions" and insert "1 position"

Page 15, line 5, before "to" insert "by June 30, 1995,"

Page 15, after line 8, insert:

"Sec. 23. [EFFECTIVE DATE.]

Section 16 is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after "sections" insert "84.82, subdivision 2; 84.922, subdivision 2;"

Page 1, line 8, after the first semicolon, insert "86B.415, subdivision 8;"

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

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

S.F. No. 812: A bill for an act relating to the environment; increasing and extending the motor vehicle transfer fee; establishing a grant program for the purpose of examining management alternatives for motor vehicle shredder residue; requiring the pollution control agency to address management of shredder residue; appropriating money; amending Minnesota Statutes 1992, sections 115A.90, by adding a subdivision; and 115A.908; proposing coding for new law in Minnesota Statutes, chapter 115A.

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 115A.90, is amended by adding a subdivision to read:

Subd. 2a. [SHREDDER RESIDUE.] "Shredder residue" means the residue generated by shredding a motor vehicle, an appliance, or other source of recyclable steel after removing the reusable and recyclable materials.

Sec. 2, Minnesota Statutes 1992, section 115A.908, subdivision 2, is amended to read:

Subd. 2. [DEPOSIT OF REVENUE.] Revenue collected shall be credited to the motor vehicle transfer account in the environmental fund.

Sec. 3, Minnesota Statutes 1992, section 115A.908, subdivision 3, is amended to read:

Subd. 3. [REPEALER.] This section is repealed on December 31, 1994 1996.

Sec. 4. [115A.909] [SHREDDER RESIDUE; MANAGEMENT.]

The commissioner, in consultation with persons who are engaged in the business of shredding motor vehicles, appliances, and other sources of recyclable steel, shall study management of shredder residue. To the extent possible under state and federal law, the commissioner shall encourage reduction in the amount of residue generated, allow beneficial use of the residue, and minimize costs of management and disposal. The commissioner shall study all reasonably ascertainable alternatives for management of the residue, including use as cover material at solid waste disposal facilities, use in manufacture of refuse derived fuel, and any other resource recovery management technique.

Sec. 5. [SHREDDER RESIDUE; GRANTS.]

The commissioner of the pollution control agency may make a grant to a person engaged in the business of shredding and recycling motor vehicles, appliances, and other sources of recyclable steel for the purposes of studying the feasibility of alternative methods of managing shredder residue left over after the reusable and recyclable materials are removed. A person applying for a grant shall include in the application a list of the activities the person will undertake and reasonable estimates of the costs of those activities. The commissioner shall determine the amount of the grant, not to exceed \$300,000 or 50 percent of the total cost of the studies proposed in the grant application, whichever is less.

A person receiving a grant under this section may use the proceeds of the grant for the costs of:

(1) determining and testing methods of reducing the amount of shredder residue and the amount of hazardous constituents in the residue;

(2) periodic testing of shredder residue for hazardous constituents over a limited time period to be determined by the commissioner, but not less than six months;

(3) research and development of potential beneficial uses of the residue, including any preprocessing methods that may be applied to the residue to enable it to be beneficially used; and

(4) any necessary testing of alternative management technologies to determine the environmental and economic effects of the technologies.

Sec. 6. [APPROPRIATION.]

\$150,000 is appropriated in each of fiscal years 1994 and 1995 to the commissioner of the pollution control agency from the motor vehicle transfer account in the environmental fund for the purpose of making grants for development of management alternatives for shredder residue under section 4. The unencumbered balance remaining in the first year does not cancel but is available for the second year and any amount of this appropriation not used to make grants under section 4 reverts to the motor vehicle transfer account on June 30, 1995.

\$100,000 is appropriated to the commissioner of the pollution control agency from the motor vehicle transfer account in the environmental fund for the purpose of studying management of shredder residue from motor vehicles, appliances, and other sources of recyclable steel and administering the grants authorized under section 4."

Delete the title and insert:

"A bill for an act relating to the environment; increasing and extending the motor vehicle transfer fee; establishing a grant program for the purpose of examining management alternatives for shredder residue from steel recycling processes; requiring the pollution control agency to address management of shredder residue; appropriating money; amending Minnesota Statutes 1992, sections 115A.90, by adding a subdivision; and 115A.908, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapter 115A."

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

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

S.F. No. 1476: A bill for an act relating to game and fish; authorizing expenditure of RIM funds for restoration of fish and wildlife habitat; amending Minnesota Statutes 1992, section 84.95, subdivision 2.

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

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

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

S.F. No. 880: A bill for an act relating to the environment; changing methods for assessing and collecting hazardous waste administration fees; providing for rulemaking; amending Minnesota Statutes 1992, section 116.12.

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

Page 2, line 11, delete "To" and insert "In adopting the fee rules, the agency shall consider:

(1) *reducing the fees for generators using environmentally beneficial hazardous waste management methods, including recycling;*

(2) *the agency resources allocated to regulating the various sizes or types of generators;*

(3) *adjusting fees for sizes or types of generators that would bear a disproportionate share of the fees to be collected; and*

(4) *whether implementing clauses (1) to (3) would require excessive staff time compared to staff time available for providing technical assistance to generators or would make the fee system difficult for generators to understand"*

Page 2, delete lines 12 and 13

Page 2, line 14, delete "hazardous wastes"

Page 3, delete line 8 and insert:

"(d) The agency may not impose a volume-based fee under this subdivision"

Page 3, lines 9 to 12, reinstate the stricken language

Page 3, line 13, reinstate the stricken language and after the reinstated period, insert *"The agency may impose a flat annual fee on a facility that generates the type of material described in the preceding sentence, provided that the fee reflects the reasonable and necessary costs of inspections of the facility."*

Page 3, after line 25, insert:

"Sec. 2. Minnesota Statutes 1992, section 473.811, subdivision 5b, is amended to read:

Subd. 5b. [ORDINANCES; HAZARDOUS WASTE MANAGEMENT.]

(a) Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards relating to (1) the identification of hazardous waste, (2) the labeling and classification of hazardous waste, (3) the collection, storage, transportation, processing, and disposal of hazardous waste, and (4) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, processing, and disposal of hazardous waste and shall require registration with a county office. County hazardous waste ordinances ~~shall embody and may not be consistent~~ inconsistent with, and must be at least as stringent as, the agency hazardous waste rules. Counties shall submit adopted ordinances to the agency for review. *Counties may adopt ordinances for the issuance of permits or licenses for generators, collectors, or processors of hazardous waste that are more stringent than agency rules if the ordinances do not present an obstacle or impediment to implementation of the agency rules.* In the event that agency rules are modified, each county shall modify its ordinances accordingly and shall submit the modification to the agency for review within 120 days. Issuing, denying, suspending, modifying, imposing conditions upon, or revoking hazardous waste permits or licenses, and county hazardous waste regulations and ordinances, shall be subject to review, denial, suspension, modification, and reversal by the agency. The agency shall after written notification have 15 days in the case of hazardous waste permits and licenses and 30 days in the case of hazardous waste ordinances to review,

suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court in the manner provided in chapter 14.

(b) A metropolitan county may not impose a *volume-based* fee under this subdivision on material that is reused at the facility where the material is generated in a manner that the facility owner or operator can demonstrate does not increase the toxicity of, or the level of hazardous substances or pollutants or contaminants in, products that leave the facility. *A metropolitan county may impose a flat annual fee on a facility that generates the type of material described in the preceding sentence, provided that the fee reflects the reasonable and necessary costs of inspections of the facility. A county imposing a fee under this paragraph must comply with section 373.41.*"

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections" and after "116.12" insert "; and 473.811, subdivision 5b"

And when so amended the bill do pass.

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

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

S.F. No. 271: A bill for an act relating to waste management; encouraging local government units to use purchasing techniques to reduce waste and develop markets for recycled products; prohibiting burning and burial of harmful materials on farms; defining packaging; prohibiting disposal of unprocessed mixed municipal solid waste; authorizing counties to count waste reduction toward 1996 recycling goals; requiring local government units to separately account for all revenue and spending related to waste management; requiring collectors of commercial waste to disclose where the waste is deposited; prohibiting fluorescent and high intensity discharge lamps in solid waste; clarifying that organized waste collection is one of several tools for cities and counties to use to collect waste; requiring labeling of hazardous household products; requiring reporting of tipping fee schedules at all waste facilities; requiring owners or operators of waste facilities that are publicly financed to account for charges and expenditures related to the facilities; requiring electric utilities to encourage use of fluorescent and high intensity discharge lamps and to collect spent lamps; extending by one year the solid waste field citation pilot program; clarifying the effects of the repeal of the metropolitan landfill siting process; amending Minnesota Statutes 1992, sections 16B.122, by adding a subdivision; 17.135; 115.071, subdivision 1; 115A.03, by adding a subdivision; 115A.034; 115A.5501, subdivision 3; 115A.551, subdivision 2a; 115A.552, subdivision 2; 115A.56; 115A.916; 115A.929; 115A.932, subdivision 1; 115A.94, subdivisions 5 and 6; 115A.941; 115A.9651; 115A.981; 116.78, by adding a subdivision; 116.92, subdivision 7; 216B.241, by adding a subdivision; 325E.12; 325E.125, subdivision 1; 325E.1251; 325E.32; 400.08, subdivision 3; Laws 1991, chapter 347, article 1, sections 15, subdivisions 1 and 6; and 20; Laws 1992, chapter 593, article 1, section 55; proposing coding for new law in Minnesota Statutes, chapter 115A.

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 16B.121, is amended to read:

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

The commissioner shall take the recycled content and recyclability of commodities to be purchased into consideration in bid specifications. When feasible and when the price of recycled materials does not exceed the price of nonrecycled materials by more than ten percent, the commissioner, and state agencies when purchasing under delegated authority, shall purchase recycled materials. In order to maximize the quantity and quality of recycled materials purchased, the commissioner, and state agencies when purchasing under delegated authority, may also use other appropriate procedures to acquire recycled materials at the most economical cost to the state.

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

Sec. 2. Minnesota Statutes 1992, section 16B.122, is amended to read:

16B.122 [PURCHASE AND USE OF PAPER STOCK; PRINTING.]

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

(a) "*Copier paper*" means paper purchased for use in copying machines.

(b) "*Office paper*" means notepads, loose-leaf fillers, tablets, and other paper commonly used in offices.

~~(b)~~ (c) "*Postconsumer material*" means a finished material that would normally be discarded as a solid waste, having completed its life cycle as a consumer item.

~~(e)~~ (d) "*Practicable*" means capable of being used, consistent with performance, in accordance with applicable specifications, and availability within a reasonable time.

~~(d)~~ (e) "*Printing paper*" means paper designed for printing, other than newsprint, such as offset and publication paper.

~~(e)~~ (f) "*Public entity*" means the state, an office, agency, or institution of the state, the metropolitan council, a metropolitan agency, the metropolitan mosquito control district, the legislature, the courts, a county, a statutory or home rule charter city, a town, a school district, another special taxing district, or any contractor acting pursuant to a contract with a public entity.

~~(f)~~ (g) "*Soy-based ink*" means printing ink made from soy oil.

~~(g)~~ (h) "Uncoated" means not coated with plastic, clay, or other material used to create a glossy finish.

Subd. 2. [PURCHASES; PRINTING.] (a) Whenever practicable, a public entity shall:

- (1) purchase uncoated office paper and printing paper;
- (2) purchase recycled content paper with at least ten percent postconsumer material by weight;
- (3) purchase paper which has not been dyed with colors, excluding pastel colors;
- (4) purchase recycled content paper that is manufactured using little or no chlorine bleach or chlorine derivatives;
- (5) use no more than two colored inks, standard or processed, except in formats where they are necessary to convey meaning;
- (6) use reusable binding materials or staples and bind documents by methods that do not use glue;
- (7) use soy-based inks; and
- (8) produce reports, publications, and periodicals that are readily recyclable within the state resource recovery program.

(b) Paragraph (a), clause (1), does not apply to coated paper that is made with at least 50 percent postconsumer material.

(c) A public entity shall print documents on both sides of the paper where commonly accepted publishing practices allow.

(d) *Notwithstanding paragraph (a), clause (2), and section 16B.121, copier paper purchased by a state agency must contain at least ten percent postconsumer material by weight.*

Subd. 3. [PUBLIC ENTITY PURCHASING.] (a) *Notwithstanding section 365.37, 375.21, 412.331, or 473.705, a public entity may purchase recycled materials when the price of the recycled materials does not exceed the price of nonrecycled materials by more than ten percent. In order to maximize the quantity and quality of recycled materials purchased, a public entity also may use other appropriate procedures to acquire recycled materials at the most economical cost to the public entity.*

(b) *When purchasing commodities and services, a public entity shall apply and promote the preferred waste management practices listed in section 115A.02, with special emphasis on reduction of the quantity and toxicity of materials in waste. A public entity, in developing bid specifications, shall consider the extent to which a commodity or product is durable, reusable, or recyclable and marketable through the applicable local or regional recycling program and the extent to which the commodity or product contains postconsumer material.*

Sec. 3. Minnesota Statutes 1992, section 16B.24, is amended by adding a subdivision to read:

Subd. 11. [RECYCLING OF FLUORESCENT LAMPS.] *When a fluorescent lamp containing mercury is removed from service in a building or*

premises owned by the state or rented by the state, the commissioner shall ensure that the lamp is recycled if a recycling facility is available in this state.

Sec. 4. Minnesota Statutes 1992, section 17.135, is amended to read:

17.135 [FARM DISPOSAL OF SOLID WASTE.]

(a) A permit is not required from a state agency, except under sections 88.16, 88.17, and 88.22 for a person who owns or operates land used for farming that buries, or burns and buries, solid waste generated from the person's household or as part of the person's farming operation if the burying is done in a nuisance free, pollution free, and aesthetic manner on the land used for farming. This exception does not apply if regularly scheduled pickup of solid waste is reasonably available at the person's farm, as determined by resolution of the county board of the county where the person's farm is located.

(b) *This exemption does not apply to burning or burial of the following materials:*

(1) *household hazardous waste as defined in section 115A.96, subdivision 1;*

(2) *appliances, including but not limited to, major appliances as defined in section 115A.03, subdivision 17a;*

(3) *household batteries; and*

(4) *lead acid batteries from motor vehicles.*

Sec. 5. Minnesota Statutes 1992, section 115.071, subdivision 1, is amended to read:

Subdivision 1. [REMEDIES AVAILABLE.] The provisions of sections 103F.701 to 103F.761, chapters 115, 115A, and 116, and sections 325E.10 to 325E.1251 and 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance, and permits adopted or issued by the agency thereunder or under any other law now in force or hereafter enacted for the prevention, control, or abatement of pollution may be enforced by any one or any combination of the following: criminal prosecution; action to recover civil penalties; injunction; action to compel performance; or other appropriate action, in accordance with the provisions of said chapters and this section.

Sec. 6. Minnesota Statutes 1992, section 115A.03, is amended by adding a subdivision to read:

Subd. 22b. [PACKAGING.] "*Packaging*" means a container and any appurtenant material that provide a means of transporting, marketing, protecting, or handling a product. "*Packaging*" includes pallets and packing such as blocking, bracing, cushioning, weatherproofing, strapping, coatings, closures, inks, dyes, pigments, and labels.

Sec. 7. Minnesota Statutes 1992, section 115A.03, is amended by adding a subdivision to read:

Subd. 25c. [RECYCLING FACILITY.] "*Recycling facility*" means a facility at which materials are prepared for reuse in their original form or for use in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use.

Sec. 8. Minnesota Statutes 1992, section 115A.034, is amended to read:
115A.034 [ENFORCEMENT.]

This chapter may be enforced under ~~section~~ sections 115.071 and 116.072.

Sec. 9. [115A.415] [SUBSTANDARD DISPOSAL FACILITIES.]

Beginning January 1, 1995:

(1) a person may not deliver unprocessed mixed municipal solid waste to a substandard disposal facility; and

(2) an operator of a substandard disposal facility may not accept unprocessed mixed municipal solid waste for deposit in the disposal facility.

For the purpose of this section, "substandard disposal facility" means a disposal facility that does not meet the design, construction, and operation requirements for a new mixed municipal solid waste facility contained in state rules in effect as of January 1, 1993.

For the purpose of this section, waste is "unprocessed" if it has not, after collection and before disposal, undergone at least one process, as defined in section 115A.03, subdivision 25, excluding storage, exchange, and transfer of the waste.

Sec. 10. Minnesota Statutes 1992, section 115A.54, subdivision 2a, is amended to read:

Subd. 2a. [SOLID WASTE MANAGEMENT PROJECTS:] (a) The ~~office~~ *director* shall provide technical and financial assistance for the acquisition and betterment of solid waste management projects as provided in this subdivision and section 115A.52. Money appropriated for the purposes of this subdivision must be distributed as grants.

(b) Except as provided in paragraph (c), a project may receive grant assistance up to 25 percent of the capital cost of the project or \$2,000,000, whichever is less, except that projects constructed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 25 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less.

(c) A recycling project or a project to compost or cocompost waste may receive grant assistance up to 50 percent of the capital cost of the project or \$2,000,000, whichever is less, except that projects completed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 50 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less.

(d) Notwithstanding paragraph (e), the ~~agency~~ *director* may award grants for transfer stations that will initially transfer waste to landfills if the transfer stations are part of a planned resource recovery project, the county where the planned resource recovery facility will be located has a comprehensive solid waste management plan approved by the ~~agency~~ *director*, and the solid waste management plan proposes the development of the resource recovery facility. If the proposed resource recovery facility is not in place and operating within ~~five~~ *eight* years of the date of the grant award, the recipient shall repay the grant amount to the state.

(e) Projects without resource recovery are not eligible for assistance.

(f) In addition to any assistance received under paragraph (b) or (c), a project may receive grant assistance for the cost of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project.

(g) In addition to the application requirements of section 115A.51, an application for a project serving eligible jurisdictions in only a single county must demonstrate that cooperation with jurisdictions in other counties to develop the project is not needed or not feasible. Each application must also demonstrate that the project is not financially prudent without the state assistance, because of the applicant's financial capacity and the problems inherent in the waste management situation in the area, particularly transportation distances and limited waste supply and markets for resources recovered.

(h) For the purposes of this subdivision, a "project" means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility. The ~~office~~ director shall adopt rules for the program by July 1, 1985.

Sec. 11. Minnesota Statutes 1992, section 115A.5501, subdivision 3, is amended to read:

Subd. 3. [FACILITY COOPERATION AND REPORTS.] The owner or operator of a solid waste composting, incineration, refuse derived fuel or disposal facility shall allow access upon reasonable notice to authorized office, agency, or metropolitan council staff for the purpose of conducting waste composition studies or otherwise assessing the amount of total packaging in the waste delivered to the facility under this section.

Beginning in 1993, by February 1 of each year the owner or operator of a facility governed by this subdivision shall submit a report to the commissioner, on a form prescribed by the commissioner, ~~information~~ specifying the total amount of solid waste received by the facility between January 1 and December 31 of the previous year. The commissioner shall calculate the total amount of solid waste delivered to solid waste facilities from the reports received from the facility owners or operators and shall report the aggregate amount to the director by April 1 of each year. The commissioner shall assess a nonforgivable administrative penalty under section 116.072 of \$500 plus any forgivable amount necessary to enforce this subdivision on any owner or operator who fails to submit a report required by this subdivision.

Sec. 12. Minnesota Statutes 1992, section 115A.551, subdivision 2a, is amended to read:

Subd. 2a. [SUPPLEMENTARY RECYCLING GOALS.] By December 31, 1996, each county will have as a goal to recycle the following amounts:

(1) for a county outside of the metropolitan area, 30 percent by weight of total solid waste generation;

(2) for a metropolitan county, 45 percent by weight of total solid waste generation.

Each county will develop and implement or require political subdivisions within the county to develop and implement programs, practices, or methods designed to meet its recycling goal. Nothing in this section or in any other law may be construed to prohibit a county from establishing a higher recycling

goal. For the purposes of this subdivision "recycle" and "total solid waste generation" have the meanings given them in subdivision 1, except that neither includes yard waste.

For a county that, by January 1, 1995, is implementing a solid waste reduction program that is approved by the director, the director shall apply three percentage points toward achievement of the recycling goals in this subdivision. In addition, the director shall apply demonstrated waste reduction that exceeds three percent reduction toward achievement of the goals in this subdivision.

Sec. 13. Minnesota Statutes 1992, section 115A.552, subdivision 2, is amended to read:

Subd. 2. [RECYCLING OPPORTUNITIES.] An opportunity to recycle must include:

(1) a local recycling center in the county and sites for collecting recyclable materials that are located in areas convenient for persons to use them;

(2) curbside pickup, centralized drop-off, or a local recycling center for at least four broad types of recyclable materials in cities with a population of 5,000 or more persons; and

(3) monthly pickup of at least four broad types of recyclable materials in cities of the first and second class and cities with 5,000 or more population in the metropolitan area.

For the purposes of this subdivision, glossy paper, magazines, and catalogs constitute a single broad type of recyclable material.

Sec. 14. Minnesota Statutes 1992, section 115A.56, is amended to read:

115A.56 [RECYCLED CONTENT; LABELS.]

(a) A person may not label or otherwise indicate on a product or package for sale or distribution that the product or package contains recycled material unless the label or other indication states the minimum percentage of postconsumer material in the product or package:

(1) by weight for a finished nonpaper product or package; and

(2) by fiber content for a finished paper product or package.

For the purposes of this section "product" includes advertising materials and campaign material as defined in section 211B.01, subdivision 2.

(b) Paragraph (a) does not apply to products that qualify for and use the recycling emblem established by the state of New York that was in effect on December 14, 1990.

Sec. 15. Minnesota Statutes 1992, section 115A.916, is amended to read:

115A.916 [USED OIL; LAND DISPOSAL PROHIBITED PROHIBITIONS.]

A person may not place used oil:

(1) in mixed municipal solid waste or place used oil;

(2) in or on the land, unless approved by the agency; or

(3) in or on the waters of the state or in a wastewater collection or treatment system. This section may be enforced by the agency pursuant to sections 115.071 and 116.072.

Sec. 16. Minnesota Statutes 1992, section 115A.929, is amended to read:

115A.929 [FEES; ACCOUNTING.]

Each local government unit that collects a fee under section 115A.919, 115A.921, or 115A.923 shall account for all revenue collected from the fee waste management fees, together with interest earned on the revenue from the fee fees, separately from other revenue collected by the local government unit and shall report revenue collected from the fee fees and use of the revenue separately from other revenue and use of revenue in any required financial report or audit. For the purposes of this section, "waste management fees" means:

(1) all fees, charges, and surcharges collected under sections 115A.919, 115A.921, and 115A.923;

(2) all tipping fees collected at waste management facilities owned or operated by the local government unit;

(3) all charges imposed by the local government unit for waste collection and management services; and

(4) any other fees, charges, or surcharges imposed on waste or for the purpose of waste management, whether collected directly from generators or indirectly through property taxes or as part of utility or other charges for services provided by the local government unit.

Sec. 17. Minnesota Statutes 1992, section 115A.9301, subdivision 2, is amended to read:

Subd. 2. [VOLUME REQUIREMENT.] (a) If a local government unit implements a pricing system based on volume instead of weight under subdivision 1, it shall determine a base unit size for an average small quantity household generator and establish a multiple unit pricing system that ensures that amounts of waste generated in excess of the base unit amount are priced higher than the base unit price.

(b) Upon application by the owner of a multiunit dwelling, the local government unit shall allocate a single base unit to not more than three dwelling units. The number of base units allocated to a multiunit dwelling must be sufficient to contain the amount of waste generated by the dwelling's occupants.

Sec. 18. [115A.9302] [WASTE DEPOSIT DISCLOSURE.]

Subdivision 1. [DISCLOSURE REQUIRED.] By January 1, 1994, and at least annually thereafter, a person that collects construction debris, industrial waste, or mixed municipal solid waste for transportation to a waste facility shall disclose to each nonresidential waste generator from whom waste is collected the name and location of, and the number of the permit issued by the agency, or its counterpart in another state, if applicable, for the processing or disposal facility or facilities, excluding a transfer station, at which the waste will be deposited. The collector shall note both the primary facility at which the collector most often deposits waste and any alternative facilities regularly used by the collector.

Subd. 2. [FORM OF DISCLOSURE.] A collector shall make the disclosure to the waste generator in writing at least once per year or on any written contract for collection services for that year. If an additional facility becomes either a primary facility or an alternative facility during the year, the collector shall make the disclosure set forth in subdivision 1 within 30 days. A local government unit that collects solid waste without direct charges to waste generators shall make the disclosure on any statement that includes an amount for waste management, provided that, at a minimum, disclosure to waste generators must be made at least twice annually in a form likely to be available to all generators.

Subd. 3. [TRANSFER STATIONS.] If the collector deposits waste at a transfer station, the collector need not disclose the name and location of the transfer station but must disclose the destination of the waste when it leaves the transfer station.

Sec. 19. Minnesota Statutes 1992, section 115A.932, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITIONS.] (a) A person may not place mercury or a thermostat, thermometer, electric switch, appliance, or medical or scientific instrument from which the mercury has not been removed for reuse or recycling:

- (1) in solid waste; or
- (2) in a wastewater disposal system.

(b) A person may not knowingly place mercury or a thermostat, thermometer, electric switch, appliance, or medical or scientific instrument from which the mercury has not been removed for reuse or recycling:

- (1) in a solid waste processing facility; or
- (2) in a solid waste disposal facility, as defined in section 115.01, subdivision 4.

(c) A person may not knowingly place a fluorescent or high intensity discharge lamp:

- (1) in solid waste; or
- (2) in a solid waste facility, except a household hazardous waste collection or recycling facility.

This paragraph does not apply to waste lamps generated by households until August 1, 1994.

Sec. 20. Minnesota Statutes 1992, section 115A.94, subdivision 5, is amended to read:

Subd. 5. [COUNTY ORGANIZED COLLECTION.] (a) A county may by ordinance require cities and towns within the county to organize collection. Organized collection ordinances of counties may:

- (1) require cities and towns to require the separation and separate collection of recyclable materials;
- (2) specify the material to be separated; and

(3) require cities and towns to meet any performance standards for source separation that are contained in the county solid waste plan.

(b) A county may itself organize collection *under subdivision 4* in any city or town that does not comply with a county organized collection ordinance adopted under this subdivision, and the county may implement, as part of its organized collection, the source separation program and performance standards required by its organized collection ordinance.

Sec. 21. Minnesota Statutes 1992, section 115A.94, subdivision 6, is amended to read:

Subd. 6. [ORGANIZED COLLECTION NOT REQUIRED OR PREVENTED.] (a) *The authority granted in this section to organize solid waste collection is optional and is in addition to authority to govern solid waste collection granted by other law.*

(b) Except as provided in subdivision 5, a city, town, or county is not:

(1) required to organize collection; or

(2) prevented from organizing collection of solid waste or recyclable material.

(c) *Except as provided in subdivision 5, a city, town, or county may exercise any authority granted by any other law, including a home rule charter, to govern collection of solid waste.*

Sec. 22. Minnesota Statutes 1992, section 115A.941, is amended to read:

115A.941 [SOLID WASTE; REQUIRED COLLECTION.]

(a) Except as provided in paragraph (b), each city and town with a population of ~~5,000~~ 1,000 or more shall ensure that every residential household and business in the city or town has solid waste collection service. To comply with this section, a city or town may organize collection, provide collection, or require by ordinance that every household and business has a contract for collection services. An ordinance adopted under this section must provide for enforcement.

(b) A city or town with a population of ~~5,000~~ 1,000 or more may exempt a residential household or business in the city or town from the requirement to have solid waste collection service if the household or business ensures that an environmentally sound alternative is used.

(c) To the extent practicable, the costs incurred by a city or town under this section must be incorporated into the collection system or the enforcement mechanisms adopted under this section by the city or town.

Sec. 23. Minnesota Statutes 1992, section 115A.965, subdivision 1, is amended to read:

Subdivision 1. [PACKAGING.] (a) As soon as feasible but not later than August 1, 1993, no manufacturer or distributor may sell or offer for sale or for promotional purposes in this state packaging or a product that is contained in packaging if the packaging itself, or any inks, dyes, pigments, adhesives, stabilizers, or any other additives to the packaging contain any lead, cadmium, mercury, or hexavalent chromium that has been intentionally introduced as an element during manufacture or distribution of the packaging.

Intentional introduction does not include the incidental presence of any of the prohibited elements.

(b) For the purposes of this section:

(1) "distributor" means a person who imports packaging or causes packaging to be imported into the state; and

(2) until August 15, 1995, "packaging" does not include steel strapping containing a total concentration level of lead, cadmium, mercury, and hexavalent chromium, added together, of less than 100 parts per million by weight.

Sec. 24. Minnesota Statutes 1992, section 115A.9651, is amended to read:

115A.9651 [TOXICS IN PRODUCTS; ENFORCEMENT.]

After ~~July~~ November 1, 1994, no person may deliberately introduce lead, cadmium, mercury, or hexavalent chromium into any ink, dye, pigment, paint, or fungicide that is intended for use or for sale in this state.

Until July 1, 1997, this section does not apply to electrodeposition primer coating, porcelain enamel coatings, medical devices, or ink used for computer identification markings.

This section does not apply to art supplies.

This section may be enforced under sections 115.071 and 116.072. The attorney general or the commissioner of the agency shall coordinate enforcement of this section with the director of the office.

Sec. 25. Minnesota Statutes 1992, section 115A.981, is amended to read:

115A.981 [SOLID WASTE MANAGEMENT; ECONOMIC STATUS AND OUTLOOK.]

Subdivision 1. [RECORD KEEPING REQUIREMENTS.] The owner or operator of a solid waste disposal facility must maintain the records necessary to comply with the requirements of subdivision 2.

Subd. 2. [ANNUAL REPORTING.] (a) The owner or operator of a solid waste disposal facility shall submit an annual report to the commissioner that includes:

(1) a certification that the owner or operator has established financial assurance for closure, postclosure care, and corrective action at the facility by using one or more of the financial assurance mechanisms specified by rule and specification of the financial assurance mechanism used, including the amount paid in or assured during the past year and the total amount of financial assurance accumulated to date; and

(2) a schedule of fees charged by at the facility for waste management, including all tipping fees, rates, charges, surcharges, and any other fees charged to each classification of customer.

(b) The owner or operator of a solid waste facility, other than a private recycling facility, that is not a disposal facility and that is not governed by paragraph (c) shall submit an annual report to the commissioner that includes a schedule of fees charged at the facility for waste management, including all tipping fees, rates, charges, surcharges, and any other fees charged to each classification of customers.

(c) The owner or operator of a solid waste facility whose construction or operation was or is wholly or partially publicly financed, except when the public financing consists entirely of a grant for less than 15 percent of the cost of construction or consists solely of the sale of revenue bonds, and a local government unit that is the owner or operator of a solid waste facility shall submit an annual report to the commissioner that includes:

(1) a schedule of fees charged at the facility for waste management, including all tipping fees, rates, charges, surcharges, and any other fees charged to each classification of customers;

(2) a description of the amounts and sources of capital financing for the facility, including current debt and principal and interest payments made on the debt to date;

(3) an accounting of the costs of administration and operation of the facility;

(4) identification of the source and amount of any additional financing for the administration or operation of the facility not included in the fees reported under clause (1); and

(5) identification of the purposes of expenditure of any fees reported under clause (1) that are not expended for servicing or repaying debt on the facility or for administration and operation of the facility.

(d) The agency may suspend the operation of a disposal facility whose permittee fails to file the information required under this subdivision. The owner or operator of a facility may not increase fees until 30 days after the owner or operator has submitted a fee schedule amendment to the commissioner.

Subd. 3. [REPORT.] (a) The commissioner shall report to the legislative commission on waste management by July 1 of each odd-numbered year on the economic status and outlook of the state's solid waste management sector including:

(i) an estimate of the extent to which prices for solid waste management paid by consumers reflect costs related to environmental and public health protection, including a discussion of how prices are publicly and privately subsidized and how identified costs of waste management are not reflected in the prices;

(2) a discussion of how the market structure for solid waste management influences prices, considering:

(i) changes in the solid waste management market structure;

(ii) the relationship between public and private involvement in the market; and

(iii) the effect on market structures of waste management laws and rules; and

(3) any recommendations for strengthening or improving the market structure for solid waste management to ensure protection of human health and the environment, taking into account the preferred waste management practices listed in section 415A.02 and considering the experiences of other states.

(b) In preparing the report, the commissioner shall:

(1) consult with the director; the metropolitan council; local government units; solid waste collectors, transporters, and processors; owners and operators of solid waste disposal facilities; and other interested persons;

(2) consider information received under subdivision 2; and

(3) analyze information gathered and comments received relating to the most recent solid waste management policy report prepared under section 115A.411.

The commissioner shall also recommend any legislation necessary to ensure adequate and reliable information needed for preparation of the report.

(c) ~~If an action recommended by the commissioner under paragraph (a) would significantly affect the solid waste management market structure, the commissioner shall, in consultation with the entities listed in paragraph (b), clause (1), prepare and include in the report an analysis of the potential impacts and effectiveness of the action, including impacts on:~~

~~(1) the public and private waste management sectors;~~

~~(2) future innovation and responsiveness to new approaches to solid waste management; and~~

~~(3) the costs of waste management.~~

(d) The report must also include:

(1) statewide and facility by facility estimates of the total potential costs and liabilities associated with solid waste disposal facilities for closure and postclosure care, response costs under chapter 115B, and any other potential costs, liabilities, or financial responsibilities;

(2) statewide and facility by facility requirements for proof of financial responsibility under section 116.07, subdivision 4h, and how each facility is meeting those requirements.

Sec. 26. Minnesota Statutes 1992, section 115B.04, is amended by adding a subdivision to read:

Subd. 5a. [LIABILITY AFTER RECYCLING.] When a fluorescent or high intensity discharge lamp has been recycled at a licensed or permitted lamp recycling facility, as defined in section 31, the original generator is not liable under this section for a release occurring after the recycling process is completed, whether from the reusable recycling products or from nonrecovered residues on recycling residuals.

Sec. 27. Minnesota Statutes 1992, section 115B.05, is amended by adding a subdivision to read:

Subd. 5a. [LIABILITY AFTER RECYCLING.] When a fluorescent or high intensity discharge lamp has been recycled at a licensed or permitted lamp recycling facility, as defined in section 31, the original generator is not liable under this section for a release occurring after the recycling process is completed, whether from the reusable recycling products or from nonrecovered residues on recycling residuals.

Sec. 28. Minnesota Statutes 1992, section 116.07, subdivision 4h, is amended to read:

Subd. 4h. [FINANCIAL RESPONSIBILITY RULES.] (a) The agency shall adopt rules requiring the operator or owner of a solid waste disposal facility to submit to the agency proof of the operator's or owner's financial capability to provide reasonable and necessary response during the operating life of the facility and for 20 years after closure, and to provide for the closure of the facility and postclosure care required under agency rules. Proof of financial responsibility is required of the operator or owner of a facility receiving an original permit or a permit for expansion after adoption of the rules. Within 180 days of the effective date of the rules or by July 1, 1987, whichever is later, proof of financial responsibility is required of an operator or owner of a facility with a remaining capacity of more than five years or 500,000 cubic yards that is in operation at the time the rules are adopted. Compliance with the rules and the requirements of paragraph ~~(b)~~ (c) is a condition of obtaining or retaining a permit to operate the facility.

(b) Proof of an owner or operator's financial responsibility as required by this subdivision may be demonstrated by obtaining insurance. The policy of insurance must conform in all respects to rules adopted under paragraph (a), to the extent applicable, and any additional rules adopted by the agency. The agency shall adopt rules to implement this paragraph by July 1, 1994.

(c) A municipality, as defined in section 475.51, subdivision 2, including a sanitary district, that owns or operates a solid waste disposal facility that was in operation on May 15, 1989, may meet its financial responsibility for all or a portion of the contingency action portion of the reasonable and necessary response costs at the facility by pledging its full faith and credit to meet its responsibility.

The pledge must be made in accordance with the requirements in chapter 475 for issuing bonds of the municipality, and the following additional requirements:

(1) The governing body of the municipality shall enact an ordinance that clearly accepts responsibility for the costs of contingency action at the facility and that reserves, during the operating life of the facility and for 20 years after closure, a portion of the debt limit of the municipality, as established under section 475.53 or other law, that is equal to the total contingency action costs.

(2) The municipality shall require that all collectors that haul to the facility implement a plan for reducing solid waste by using volume-based pricing, recycling incentives, or other means.

(3) When a municipality opts to meet a portion of its financial responsibility by relying on its authority to issue bonds, it shall also begin setting aside in a dedicated long-term care trust fund money that will cover a portion of the potential contingency action costs at the facility, the amount to be determined by the agency for each facility based on at least the amount of waste deposited in the disposal facility each year, and the likelihood and potential timing of conditions arising at the facility that will necessitate response action. The agency may not require a municipality to set aside more than five percent of the total cost in a single year.

(4) A municipality shall have and consistently maintain an investment grade bond rating as a condition of using bonding authority to meet financial responsibility under this section.

(5) The municipality shall file with the commissioner of revenue its consent to have the amount of its contingency action costs deducted from state aid payments otherwise due the municipality and paid instead to the environmental response, compensation, and compliance account created in section 115B.20, if the municipality fails to conduct the contingency action at the facility when ordered by the agency. If the agency notifies the commissioner that the municipality has failed to conduct contingency action when ordered by the agency, the commissioner shall deduct the amounts indicated by the agency from the state aids in accordance with the consent filed with the commissioner.

(6) The municipality shall file with the agency written proof that it has complied with the requirements of paragraph ~~(b)~~ (c).

~~(e)~~ (d) The method for proving financial responsibility under paragraph ~~(b)~~ (c) may not be applied to a new solid waste disposal facility or to expansion of an existing facility, unless the expansion is a vertical expansion. Vertical expansions of qualifying existing facilities cannot be permitted for a duration of longer than three years.

Sec. 29. Minnesota Statutes 1992, section 116.78, is amended by adding a subdivision to read:

Subd. 3a. [WASTE CONTAINERS.] Noninfectious mixed municipal solid waste generated by a facility must be placed for containment, collection, and processing or disposal in containers that are sufficiently transparent that the contents of the containers may be viewed from the exterior of the containers. The operator of a mixed municipal solid waste facility may not refuse to accept mixed municipal solid waste generated by a facility that complies with this subdivision, unless the operator observes that the waste contains sharps or other infectious waste.

Sec. 30. Minnesota Statutes 1992, section 116.92, subdivision 7, is amended to read:

Subd. 7. [FLUORESCENT AND HIGH INTENSITY DISCHARGE LAMPS; LARGE USE APPLICATIONS.] (a) A person who sells fluorescent or high intensity discharge lamps that contain mercury to the owner or manager of an industrial, commercial, office, or multiunit residential building, or to any person who replaces or removes from service outdoor lamps that contain mercury, shall clearly inform the purchaser in writing on the invoice for the lamps, or in a separate writing, that the lamps contain mercury, a hazardous substance that is regulated by federal or state law *and that they may not be placed in solid waste.* This paragraph does not apply to a person who incidentally sells fluorescent or high intensity discharge lamps at retail to the specified purchasers.

(b) A person who contracts with the owner or manager of an industrial, commercial, office, or multiunit residential building, or with a person responsible for outdoor lighting, to remove from service fluorescent or high intensity discharge lamps that contain mercury shall clearly inform, in writing, the person for whom the work is being done that the lamps being removed from service contain mercury and what the contractor's arrangements are for the management of the mercury in the removed lamps.

Sec. 31. [116.93] [LAMP RECYCLING FACILITIES.]

Subdivision 1. [DEFINITION.] For the purposes of this section, "lamp recycling facility" means a hazardous waste facility used to remove, recover, and recycle mercury or other hazardous materials from fluorescent or high intensity discharge lamps.

Subd. 2. [LAMP RECYCLING FACILITY; PERMITS OR LICENSES.] (a) A person may not operate a lamp recycling facility without obtaining a permit or license for the facility from the agency. The permit or license must require:

- (1) a plan for response to releases, including emergency response;*
 - (2) proof of financial responsibility for closure and any necessary postclosure care at the facility which may include a performance bond or other insurance; and*
 - (3) liability insurance or another financial mechanism that provides proof of financial responsibility for response actions required under chapter 115B.*
- (b) A lamp recycling facility that is licensed or permitted by a county under section 473.811, subdivision 5b, complies with this subdivision if the license or permit held by the facility contains at least all the terms and conditions required by the agency for a license or permit issued under this subdivision.*
- (c) A lamp recycling facility with a demonstrated capability for recycling in operation prior to adoption of rules for a licensing or permitting process for the facility by the agency may continue to operate in accordance with compliance agreement or other approval by the commissioner until a license or permit is issued by the agency under this subdivision.*

Sec. 32. Minnesota Statutes 1992, section 216B.241, is amended by adding a subdivision to read:

Subd. 5. [CONSERVATION IMPROVEMENT PROGRAM; EFFICIENT LIGHTING.] (a) The commissioner of public service may require a public utility, cooperative electric association, or municipal utility that provides electric service to retail customers to include as part of its conservation improvement activities a pilot program to encourage the use of fluorescent and high intensity discharge lamps. The program may include a public information campaign to encourage use of the lamps and proper management of spent lamps by all customer classifications.

(b) A public utility and a cooperative electric association that is regulated like a public utility under this chapter shall establish, either directly or through contracts with other persons, including local government units, a system to collect for delivery to a reclamation or recycling facility spent fluorescent and high intensity discharge lamps from households and from small businesses as defined in section 645.445 that generate an average of fewer than ten spent lamps per year.

(c) A cooperative electric association or a municipal utility that provides electric service at retail to customers may establish a collection system as part of conservation improvement activities required under this section.

(d) The commissioner of the pollution control agency may not, unless clearly required by federal law, require a public utility, cooperative electric association, or municipality that establishes a household fluorescent and high intensity discharge lamp collection system under this section to manage the lamps as hazardous waste as long as the lamps are managed to avoid

breakage and are delivered to a recycling or reclamation facility that removes mercury and other toxic materials contained in the lamps prior to placement of the lamps in solid waste.

(e) All costs incurred by a public utility, cooperative electric association, or municipal utility for promotion and collection of fluorescent and high intensity discharge lamps under this subdivision are conservation improvement spending under this section.

(f) The commissioner of public service shall submit a report to the legislature by January 1, 1995, summarizing the results of pilot programs under this subdivision.

Sec. 33. Minnesota Statutes 1992, section 325E.12, is amended to read:

325E.12 [PENALTY.]

~~Any person violating~~ Violation of sections 325E.10 to ~~325E.12~~ shall be ~~guilty of~~ 325E.1151 is a petty misdemeanor. Sections 325E.10 to 325E.1151 may be enforced under section 115.071.

Sec. 34. Minnesota Statutes 1992, section 325E.125, subdivision 1, is amended to read:

Subdivision 1. [LABELING.] (a) The manufacturer of a button cell battery that is to be sold in this state shall ensure that each battery *contains no intentionally introduced mercury or is labeled to clearly identify for the final consumer of the battery the type of electrode used in the battery.*

(b) The manufacturer of a rechargeable battery that is to be sold in this state shall ensure that each rechargeable battery is labeled to clearly identify for the final consumer of the battery the type of electrode and the name of the manufacturer. The manufacturer of a rechargeable battery shall also provide clear instructions for properly recharging the battery.

Sec. 35. Minnesota Statutes 1992, section 325E.1251, is amended to read:

325E.1251 [PENALTY ENFORCEMENT.]

Subdivision 1. [PENALTY.] Violation of ~~sections 115A.9155 and section~~ 325E.125 is a misdemeanor. A manufacturer who violates section ~~115A.9155~~ ~~of~~ 325E.125 is also subject to a minimum fine of \$100 per violation.

Subd. 2. [RECOVERY OF COSTS.] *Section 325E.125 may be enforced under section 115.071. In an enforcement action under this section in which the state prevails, the state may recover reasonable administrative expenses, court costs, and attorney fees incurred to take the enforcement action, in an amount to be determined by the court.*

Sec. 36. Minnesota Statutes 1992, section 400.04, subdivision 3, is amended to read:

Subd. 3. [ACQUISITION, CONSTRUCTION, AND OPERATION OF PROPERTY AND FACILITIES.] A county may acquire, construct, enlarge, improve, repair, supervise, control, maintain, and operate any and all solid waste facilities and other property and facilities needed, used, or useful for solid waste management purposes. Notwithstanding any other law to the contrary, a county may ~~contract for recycling services, and~~ purchase and lease materials, equipment, machinery, and such other personal property as is necessary for such purposes *including recycling upon terms and conditions*

determined by the board, with or without advertisement for bids including the use of conditional sales contracts and lease-purchase agreements. If a county contract is let by negotiation, without advertising for bids, the county shall conduct such negotiation and award the contract using a fair and open procedure and in full compliance with section 471.705. If a county contract is to be awarded by bid, the county may, after notice to the public and prospective bidders, conduct a fair and open process of prequalification of bidders prior to advertisement for bids. A county may employ such personnel as are reasonably necessary for the care, maintenance and operation of such property and facilities. A county shall contract with private persons for the construction, maintenance, and operation of solid waste facilities where the facilities are adequate and available for use and competitive with other means of providing the same service.

Sec. 37. Minnesota Statutes 1992, section 400.04, subdivision 4, is amended to read:

Subd. 4. [MANAGEMENT AND SERVICE CONTRACTS.] *Notwithstanding sections 375.21 and 471.345, a county may enter into contracts for the construction, installation, maintenance and operation of property and facilities on private or public lands and may contract for the furnishing of solid waste management services upon terms and conditions determined by the board, with or without advertisement for bids, including the use of conditional sales contracts. If a county contract is let by negotiation, without advertising for bids, the county shall conduct negotiations and award the contract using a fair and open procedure and in full compliance with section 471.705.*

Sec. 38. Minnesota Statutes 1992, section 400.08, subdivision 3, is amended to read:

Subd. 3. [SERVICE CHARGES.] The county may establish by ordinance, revise when deemed advisable, and collect just and reasonable rates and charges for solid waste management services provided by the county or by others under contract with the county. The ordinance may obligate the owners, lessees, or occupants of property, or any or all of them, to pay charges for solid waste management services to their properties, *including properties owned, leased, or used by the state or a political subdivision of the state, including the regional transit board established in section 473.373, the metropolitan airports commission established in section 473.603, the state agricultural society established in section 37.01, a local government unit, and any other political subdivision,* and may obligate the user of any facility to pay a reasonable charge for the use of the facility. Rates and charges may take into account the character, kind, and quality of the service and of the solid waste, the method of disposition, the number of people served at each place of collection, and all other factors that enter into the cost of the service, including but not limited to depreciation and payment of principal and interest on money borrowed by the county for the acquisition or betterment of facilities. A notice of intention to enact an ordinance, published pursuant to section 375.51, subdivision 2, shall provide for a public hearing prior to the meeting at which the ordinance is to be considered.

Sec. 39. Laws 1991, chapter 347, article 1, section 15, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY TO ISSUE.] Pollution control agency staff designated by the commissioner and department of natural resources conservation officers may issue citations to a person who disposes of solid waste as

defined in Minnesota Statutes, section 116.06, subdivision 10, at a location not authorized by law for the disposal of solid waste without permission of the owner of the property. *A citation issued under this subdivision must include a requirement that the person cited remove and properly dispose or otherwise manage the waste.*

Sec. 40. Laws 1991, chapter 347, article 1, section 15, subdivision 6, is amended to read:

Subd. 6. [STUDY OF FIELD CITATION PILOT PROGRAM.] The pollution control agency, in consultation with the department of natural resources and the attorney general, shall prepare a study on the effectiveness and limitations of the field citation pilot program. The study must make recommendations about the continued use of field citations. The study must be submitted to the legislative commission on waste management by November 15, 1992, *and must be updated and resubmitted to the commission by November 15, 1993.*

Sec. 41. Laws 1991, chapter 347, article 1, section 20, is amended to read:

Sec. 20. [EFFECTIVE DATE.]

Section 19 is effective July 1, ~~1993~~ 1994.

Sec. 42. Laws 1992, chapter 593, article 1, section 55, is amended to read:

Sec. 55. [EFFECTIVE DATE.]

Except as provided in this section, article 1 is effective August 1, 1992.

Sections 22, 31 to 34, 37 to 40, and 45 are effective the day following final enactment.

Section 43 is effective August 1, 1991.

Sections 12; 17; 24; 27, subdivision 1; 29, subdivision 3; and 36 are effective January 1, 1993, and section 36 applies to sweeping compound manufactured on or after that date.

Section 18 is effective for products and packaging manufactured on or after January 1, 1993.

Section 35, *paragraph (a), is effective July 1, 1993 January 1, 1997, and paragraph (b) is effective July 1, 1993, and applies those paragraphs apply to batteries manufactured on or after that date those dates.*

~~Sections 3 and 29, subdivision 2, are~~ Section 3 is effective August 1, 1993.

Sections 26 and 27, subdivision 2, are effective January 1, 1994.

Section 29, ~~subdivision~~ subdivisions 2 and 4, clauses (1) and (2), are effective August 1, 1994.

Sec. 43. [WASTE TIRE REPORT; INCLUSION.]

The waste tire report due to the legislative commission on waste management under Minnesota Statutes, section 115A.913, subdivision 5, by November 15, 1993, must include an evaluation of the adequacy of existing mechanisms and systems for managing waste tires as they are generated. The commissioner of the pollution control agency shall include in the report recommendations for legislation, if needed, to ensure that mechanisms are in

place or are put in place to collect, store, transport, recycle, and otherwise manage waste tires properly.

Sec. 44. [SOLID WASTE MANAGEMENT POLICY REPORT; POST-PONEMENT.]

Under Minnesota Statutes, section 115A.411, a solid waste management policy report is not due to the legislative commission on waste management until July 1, 1996. In the interim, any reports authorized to be included with that report may be submitted as a combined report on or before the dates required for their submission.

Sec. 45. [FLUORESCENT AND HIGH INTENSITY DISCHARGE LAMPS; COLLECTION STUDY.]

The director of the office of waste management, in consultation with representatives of public utilities, electric cooperative associations, and municipal utilities that provide electric service to retail customers, the commissioners of the pollution control agency and the department of public service, the Minnesota technical assistance program, the director of the legislative commission on waste management, residential, commercial, and industrial electric power consumers, local government units, representatives of manufacturers, retailers, distributors, and wholesalers of fluorescent and high intensity lamps, and other interested persons, shall identify mechanisms that will maximize the use of fluorescent and high intensity discharge lamps and identify barriers to an effective collection system and approaches to reduce and remove those barriers.

By November 1, 1993, the director shall submit a report to the legislative commission on waste management that, at a minimum, recommends:

(1) collection and management systems for spent lamps that are generated within the service areas of cooperative electric associations and municipal utilities that provide electric service to retail customers; and

(2) an implementation plan and schedule that includes provisions for technical assistance for public utilities, electric cooperative associations, and municipal utilities that may establish fluorescent and high intensity discharge lamp promotion programs and collection systems under section 32.

Sec. 46. [METROPOLITAN LANDFILL SITING; EFFECT OF MORATORIUM AND REPEAL.]

(a) The effects of Laws 1991, chapter 337, sections 84 and 90, paragraph (b), that were effective June 5, 1991 and August 1, 1992 respectively, include that:

(1) no development limitation continued under Minnesota Statutes 1982 to 1990, section 473.806, after December 31, 1992, and a claim for compensation for temporary development rights does not exist for any time period after that date;

(2) the metropolitan council may use the proceeds of bonds issued under Minnesota Statutes 1980 to 1990, section 473.831, to compensate property owners for temporary development rights or to purchase property under Minnesota Statutes 1984 to 1990, section 473.840, if the time period for which compensation for temporary development rights is claimed occurred prior to December 31, 1992, or if the request for purchase of the property was received prior to June 5, 1991; and

(3) a metropolitan county that acquired property under Minnesota Statutes 1984 to 1990, section 473.840, shall sell the property, subject to the approval of the metropolitan council.

(b) A county may lease or rent property that must be sold under paragraph (a), subject to approval of the metropolitan council, and may maintain property and casualty insurance on the property until ownership of the property is transferred. The county shall remit to the council any proceeds from leasing, renting, or selling property subject to this paragraph, less the reasonable expenses of the county to maintain the value of the property and to transfer ownership. The council shall use money remitted to it under this paragraph to retire solid waste debt incurred under Minnesota Statutes 1980 to 1990, section 473.831.

Sec. 47. [TOXICS IN PRODUCTS; STUDY.]

The staff of the legislative commission on waste management shall conduct a study to identify barriers to implementation of Minnesota Statutes, section 115A.9651, and shall report to the commission by February 1, 1994, with recommendations, including recommended legislation, for overcoming these barriers.

Sec. 48. [REPEALER.]

Minnesota Statutes 1992, section 325E.40, subdivision 1, is repealed.

Sec. 49. [EFFECTIVE DATE.]

Section 2, subdivisions 1 and 2, are effective July 1, 1996. Section 13 is effective July 1, 1994. Section 19 is effective August 1, 1994. Section 25 is effective the day following final enactment, except subdivision 2 is effective August 1, 1993. Sections 22, 30, and 32 are effective August 1, 1994. Section 34 is effective January 1, 1997. Section 38 is effective May 20, 1971."

Delete the title and insert:

"A bill for an act relating to waste management; encouraging local government units to use purchasing techniques to reduce waste and develop markets for recycled products; prohibiting burning and burial of harmful materials on farms; defining packaging; prohibiting disposal of unprocessed mixed municipal solid waste; authorizing counties to count waste reduction toward 1996 recycling goals; requiring local government units to separately account for all revenue and spending related to waste management; requiring collectors of commercial waste to disclose where the waste is deposited; prohibiting fluorescent and high intensity discharge lamps in solid waste; clarifying that organized waste collection is one of several tools for cities and counties to use to collect waste; requiring labeling of hazardous household products; requiring reporting of tipping fee schedules at all waste facilities; requiring owners or operators of waste facilities that are publicly financed to account for charges and expenditures related to the facilities; requiring electric utilities to encourage use of fluorescent and high intensity discharge lamps and to collect spent lamps; extending by one year the solid waste field citation pilot program; clarifying the effects of the repeal of the metropolitan landfill siting process; amending Minnesota Statutes 1992, sections 16B.121; 16B.122; 16B.24, by adding a subdivision; 17.135; 115.071, subdivision 1; 115A.03, by adding subdivisions; 115A.034; 115A.54, subdivision 2a; 115A.5501, subdivision 3; 115A.551, subdivision 2a; 115A.552, subdivision 2; 115A.56; 115A.916; 115A.929; 115A.9301, subdivision 2; 115A.932,

subdivision 1; 115A.94, subdivisions 5 and 6; 115A.9301, subdivision 2; 115A.941; 115A.965, subdivision 1; 115A.9651; 115A.981; 115B.04, by adding a subdivision; 115B.05, by adding a subdivision; 116.07, subdivision 4h; 116.78, by adding a subdivision; 116.92, subdivision 7; 216B.241, by adding a subdivision; 325E.12; 325E.125, subdivision 1; 325E.1251; 400.04, subdivisions 3 and 4; and 400.08, subdivision 3; Laws 1991, chapter 347, article 1, sections 15, subdivisions 1 and 6; and 20; Laws 1992, chapter 593, article 1, section 55; proposing coding for new law in Minnesota Statutes, chapters 115A; and 116; repealing Minnesota Statutes 1992, section 325E.40, subdivision 1."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1076, 1210, 834, 708 and 271 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 882 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

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

APPOINTMENTS

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

S.F. No. 1503: Messrs. Beckman, Spear, Kelly, Neuville and Ms. Ranum.

H.F. No. 1735: Mr. Johnson, D.J.; Meses. Reichgott, Flynn, Messrs. Hottinger and Belanger.

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

MEMBERS EXCUSED

Mr. Murphy was excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Tuesday, April 27, 1993. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate