

FIFTY-SECOND DAY

St. Paul, Minnesota, Thursday, May 6, 1993

The Senate met at 8:30 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. 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. John Dumke.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

April 14, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

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

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Paul Toren, 805 Park Ave., Mahtomedi, Washington County, has been appointed by me, effective April 19, 1993, for a term expiring on the first Monday in January, 1997.

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

Warmest regards,
Arne H. Carlson, Governor

May 5, 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
	783	72	1:55 p.m. May 4	May 4
	576	80	2:57 p.m. May 4	May 4

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. 1199, 645, 952 and 1158.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 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. 911: A bill for an act relating to public employment; essential employees; requiring the commissioner of the bureau of mediation services to designate separate units for peace officers and other essential employees at the

request of either group of employees; amending Minnesota Statutes 1992, section 179A.09, by adding a subdivision.

Senate File No. 911 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1993

CONCURRENCE AND REPASSAGE

Mr. Metzen moved that the Senate concur in the amendments by the House to S.F. No. 911 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 911 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 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kelly	Moe, R.D.	Runbeck
Anderson	Dille	Kiscaden	Murphy	Sams
Belanger	Finn	Knutson	Oliver	Solon
Benson, D.D.	Flynn	Kroening	Pariseau	Spear
Benson, J.E.	Frederickson	Langseth	Piper	Stevens
Berg	Hanson	Larson	Price	Stumpf
Bertram	Hottinger	Luther	Ranum	Terwilliger
Betzold	Johnson, D.E.	Marty	Reichgott	Vickerman
Chandler	Johnson, J.B.	McGowan	Riveness	
Chmielewski	Johnston	Metzen	Robertson	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 181: A bill for an act relating to limited liability companies; clarifying the application of financial institution, workers' compensation, unemployment compensation, taxation, and usury laws; modifying certain powers of, and rules applicable to, limited liability companies and their members and affiliates; creating an agricultural limited liability companies task force; amending Minnesota Statutes 1992, sections 48.24, subdivisions 1, 7, and 8; 51A.02, subdivision 43; 176.011, subdivision 10; 176.041, subdivision 1a; 268.04, subdivision 9; 268.161, subdivision 9; 290.92, subdivision 1; 297A.01, subdivision 2; 302A.011, subdivision 25; 302A.161, subdivision 12; 302A.501, subdivision 1; 302A.521, subdivision 1; 302A.551, subdivision 3; 302A.673, subdivision 1; 319A.02, subdivision 7; 322B.03, subdivision 41, and by adding subdivisions; 322B.115, subdivisions 1 and 2; 322B.20, subdivisions 5, 7, 12, 14, and 21; 322B.30, subdivisions 2 and 3; 322B.306, subdivisions 1, 3, and 4; 322B.31,

subdivision 3; 322B.313; 322B.316; 322B.323, subdivision 2; 322B.373, subdivision 1; 322B.54, subdivision 3; 322B.693, subdivision 1; 322B.696; 322B.699, subdivision 1; 322B.77, subdivisions 1 and 3; 322B.80, subdivision 1, and by adding a subdivision; 322B.873; 322B.91, subdivision 1; 322B.92; 322B.93; 322B.935, subdivisions 2 and 3; and 334.021; proposing coding for new law in Minnesota Statutes, chapter 322B.

Senate File No. 181 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1993

CONCURRENCE AND REPASSAGE

Ms. Reichgott moved that the Senate concur in the amendments by the House to S.F. No. 181 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 181: A bill for an act relating to limited liability companies; clarifying the application of financial institution, workers' compensation, unemployment compensation, taxation, and usury laws; modifying certain powers of, and rules applicable to, limited liability companies and their members and affiliates; amending Minnesota Statutes 1992, sections 48.24, subdivisions 1, 7, and 8; 51A.02, subdivision 43; 176.011, subdivision 10; 176.041, subdivision 1a; 268.04, subdivision 9; 268.161, subdivision 9; 290.92, subdivision 1; 297A.01, subdivision 2; 302A.011, subdivision 25; 302A.161, subdivision 12; 302A.501, subdivision 1; 302A.521, subdivision 1; 302A.551, subdivision 3; 302A.673, subdivision 1; 319A.02, subdivision 7; 322B.03, subdivision 41, and by adding subdivisions; 322B.115, subdivisions 1 and 2; 322B.20, subdivisions 5, 7, 12, 14, and 21; 322B.30, subdivisions 2 and 3; 322B.306, subdivisions 1, 3, and 4; 322B.31, subdivision 3; 322B.313; 322B.316; 322B.323, subdivision 2; 322B.373, subdivision 1; 322B.54, subdivision 3; 322B.693, subdivision 1; 322B.696; 322B.699, subdivision 1; 322B.77, subdivisions 1 and 3; 322B.80, subdivision 1, and by adding a subdivision; 322B.873; 322B.91, subdivision 1; 322B.92; 322B.93; 322B.935, subdivisions 2 and 3; and 334.021; proposing coding for new law in Minnesota Statutes, chapter 322B.

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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kiscaden	Murphy	Solon
Anderson	Dille	Knutson	Oliver	Spear
Belanger	Finn	Kroening	Pariseau	Stevens
Benson, D.D.	Flynn	Langseth	Piper	Stumpf
Benson, J.E.	Frederickson	Larson	Price	Terwilliger
Berg	Hanson	Lesewski	Ranum	Vickerman
Berghin	Hottinger	Luther	Reichgott	Wiener
Bertram	Johnson, D.E.	Marty	Riveness	
Betzold	Johnson, J.B.	McGowan	Robertson	
Chandler	Johnston	Moe, R.D.	Runbeck	
Chmielewski	Kelly	Morse	Sams	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1178:

H.F. No. 1178: A bill for an act relating to health; implementing recommendations of the Minnesota health care commission; defining and regulating integrated service networks; requiring regulation of all health care services not provided through integrated service networks; establishing data reporting and collection requirements; establishing other cost containment measures; providing for classification of certain tax data; permitting expedited rulemaking; requiring certain studies; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 3.732, subdivision 1; 43A.317, subdivision 5; 60A.02, subdivision 1a; 62A.021, subdivision 1; 62A.65; 62E.02, subdivision 23; 62E.10, subdivisions 1 and 3; 62E.11, subdivision 12; 62J.03, subdivisions 6, 8, and by adding a subdivision; 62J.04, subdivisions 1, 2, 3, 4, 5, 7, and by adding a subdivision; 62J.05, subdivision 2, and by adding a subdivision; 62J.09, subdivisions 2, 5, 8, and by adding subdivisions; 62J.15, subdivision 1; 62J.17, subdivision 2, and by adding subdivisions; 62J.23, by adding a subdivision; 62J.30, subdivisions 1, 6, 7, and 8; 62J.32, subdivision 4; 62J.33; 62J.34, subdivision 2; 62L.02, subdivisions 16, 19, 26, and 27; 62L.03, subdivisions 3 and 4; 62L.04, subdivision 1; 62L.05, subdivisions 2, 3, 4, and 6; 62L.08, subdivisions 4 and 8; 62L.09, subdivision 1; 62L.11, subdivision 1; 136A.1355, subdivisions 1, 3, 4, and by adding a subdivision; 136A.1356, subdivisions 2, 4, and 5; 136A.1357; 137.38, subdivisions 2, 3, and 4; 137.39, subdivisions 2 and 3; 137.40, subdivision 3; 144.147, subdivision 4; 144.1484, subdivisions 1 and 2; 144.335, by adding a subdivision; 144.581, subdivision 2; 151.47, subdivision 1; 214.16, subdivision 3; 256.9351, subdivision 3; 256.9352, subdivision 3; 256.9353; 256.9354, subdivisions 1, 4, and 5; 256.9356, subdivisions 1 and 2; 256.9357, subdivision 1; 256.9657, subdivision 3, and by adding a subdivision; 256B.04, subdivision 1; 256B.057, subdivisions 1, 2, and 2a; 256B.0625, subdivision 13; 256D.03, subdivision 3; 270B.01, subdivision 8; 295.50, subdivisions 3, 4, 7, 14, and by adding subdivisions; 295.51, subdivision 1; 295.52, by adding subdivisions; 295.53, subdivisions 1, 3, and by adding a subdivision; 295.54; 295.55, subdivision 4; 295.57; 295.58; 295.59; Laws 1990, chapter 591, article 4, section 9; proposing coding for new law in Minnesota Statutes, chapters 16B; 43A; 62A; 62J; 136A; 144; 151; 256; and 295; proposing coding for new law as Minnesota Statutes, chapters 62N; and 62O; repealing Minnesota Statutes 1992, sections 62J.15, subdivision 2; 62J.17, subdivisions 4, 5, and 6; 62J.29; 62L.09, subdivision 2; 295.50, subdivision 10; and 295.51, subdivision 2; Laws 1992, chapter 549, article 9, section 19, subdivision 2.

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

Greenfield, Cooper, Lourey, Leppik and Frerichs have been appointed as such committee on the part of the House.

House File No. 1178 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 May 5, 1993

Ms. Berglin moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1178, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 199, 327 and 1245.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 5, 1993

FIRST READING OF HOUSE BILLS

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

H.F. No. 199: A bill for an act relating to insurance; workers' compensation; regulating the state fund mutual insurance company; requiring the workers' compensation reinsurance association to provide funds; amending Minnesota Statutes 1992, sections 176A.02, by adding a subdivision; 176A.11; proposing coding for new law in Minnesota Statutes, chapter 79.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 112, now on General Orders.

H.F. No. 327: A bill for an act relating to motor vehicles; providing for free motor vehicle license plates for former prisoners of war; exempting former prisoners of war plates from motor vehicle registration tax; amending Minnesota Statutes 1992, sections 168.031; 168.12, subdivision 5; and 168.125, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 13, now on General Orders.

H.F. No. 1245: A bill for an act relating to data practices; providing for the collection, classification, and dissemination of data; proposing classifications of data as not public; classifying certain licensing data, educational data, security service data, motor carrier operating data, retirement data and other forms of data; amending Minnesota Statutes 1992, sections 13.32, subdivisions 1, 3, and 6; 13.41, subdivision 4; 13.43, subdivision 2; 13.46, subdivisions 1, 2, and 4; 13.643; 13.692; 13.72, by adding a subdivision; 13.792; 13.82, subdivisions 4, 6, and 10; 13.99, subdivision 24, and by adding subdivisions; 115A.93, by adding a subdivision; 144.335, subdivision 3a, and by adding a subdivision; 151.06, by adding a subdivision; 169.09, subdivisions 7 and 13; 245A.04, subdivisions 3 and 3a; 260.161, subdivisions 1 and 3; 270B.14, subdivision 1, and by adding a subdivision; 299L.03, by

adding a subdivision; and 626.556, subdivisions 11 and 11c; proposing coding for new law in Minnesota Statutes, chapters 6; 13; and 144; repealing Minnesota Statutes 1992, sections 13.644; and 13.82, subdivision 5b.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 976, now on General Orders.

REPORTS OF COMMITTEES

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

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

S.F. No. 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 84.82, subdivision 2; 84.922, subdivision 2; 85.018, subdivisions 1, 2, 3, and 5; 86B.415, subdivision 8; 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 16, line 27, delete "APPROPRIATION AND" and insert "APPROPRIATIONS;"

Page 16, delete line 29 and insert:

"(a) \$150,000 is"

Page 16, after line 34, insert:

"(b) \$124,000 is appropriated from the off-road vehicle account to the commissioner of natural resources for the purposes of sections 3 to 21 and is available for the fiscal year ending June 30, 1995."

Page 16, line 35, delete everything before "Amounts" and insert:

"(c)"

Page 17, line 1, delete "subdivision 1" and insert "paragraph (a)"

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. 811: A bill for an act relating to transportation; providing for a metropolitan area high speed bus study; appropriating money.

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. 817: A bill for an act relating to public employment; providing an early retirement incentive for certain public employees; authorizing school districts to levy for certain costs.

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

Page 1, line 8, delete everything after "*Minnesota*"

Page 1, delete line 9 and insert "*shall,*"

Page 1, after line 24, insert:

"The incentives in this section do not apply to a teacher, as defined in Minnesota Statutes, section 354.05, subdivision 2, or 354A.011, subdivision 27, employed by a local school board."

Page 2, lines 8 and 12, before the period, insert "*, up to 30 years*"

Page 3, delete lines 30 to 36

Page 4, delete lines 1 to 4

Amend the title as follows:

Page 1, line 3, delete the semicolon and insert a period

Page 1, delete line 4

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

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

S.F. No. 1162: A bill for an act relating to state government; administrative rulemaking; changing the membership and duties of the LCRAR; transferring the rule review functions of the office of the attorney general to the office of administrative hearings; requiring rule notes; regulating grants of rulemaking authority, notices of intent to solicit outside opinion, and public hearing requirements; authorizing the governor to disapprove rules adopted after public hearing; eliminating the requirement that agencies review their rules and consider methods to reduce their impact on small business; making technical changes; requiring reports; appropriating money; amending Minnesota Statutes 1992, sections 3.841; 14.05, subdivision 2, and by adding a subdivision; 14.08; 14.09; 14.10; 14.115, subdivision 5; 14.15, subdivisions 3 and 4; 14.16, subdivision 1; 14.19; 14.22, subdivision 1; 14.24; 14.25; 14.26; 14.29, subdivisions 2 and 4; 14.30; 14.31; 14.32; 14.33; 14.34; 14.365; 14.48; and 14.51; proposing coding for new law in Minnesota Statutes, chapters 3; and 14; repealing Minnesota Statutes 1992, sections 14.115, subdivision 6; and 14.225.

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

Pages 2 and 3, delete section 2

Page 24, delete section 32

Page 24, line 17, delete "\$100,000" and insert "\$65,000"

Page 24, line 22, delete "\$50,000" and insert "\$35,000"

Page 24, after line 27, insert:

"(c) The office of the attorney general shall transfer \$15,000 in fiscal year 1994 to the office of administrative hearings."

Page 25, line 19, delete "9" and insert "8"

Page 25, line 22, delete "29" and insert "28"

Page 25, line 23, delete "30 to 33" and insert "29 to 31"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "requiring rule notes;"

Page 1, lines 21 and 22, delete "chapters 3; and" and insert "chapter"

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. 1101: A bill for an act relating to health-related occupations; requiring hearing instrument dispensers to be certified by the commissioner of health; requiring holders of temporary hearing instrument dispensing permits to be supervised by certified hearing instrument dispensers; authorizing cease and desist orders; providing for penalties; amending Minnesota Statutes 1992, sections 153A.13, subdivisions 4 and 5; 153A.14; 153A.15; and 153A.17; proposing coding for new law in Minnesota Statutes, chapter 214.

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

Page 11, after line 23, insert:

"Sec. 10. [APPROPRIATION.]

\$45,000 is appropriated in fiscal year 1994 and \$49,000 is appropriated in fiscal year 1995 to the commissioner of health from the state government special revenue fund."

Page 11, line 24, delete "10" and insert "11"

Amend the title as follows:

Page 1, line 8, 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 referred

H.F. No. 864: A bill for an act relating to waters; inspection of watercraft for exotic harmful species; gasoline tax distribution; permit fee for aquatic vegetation control; authorizing civil citations and penalties; recommendations on milfoil control on White Bear Lake; appropriating money; amending Minnesota Statutes 1992, sections 18.317, subdivision 3a; 86B.415, subdivision 7; and 103G.615, subdivision 2; 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. Minnesota Statutes 1992, section 18.317, subdivision 3a, is amended to read:

Subd. 3a. [INSPECTION OF WATERCRAFT AND EQUIPMENT.] Licensed watercraft and associated equipment, including weed harvesters, that are removed from any waters of the state that the commissioner of natural resources identifies as being contaminated with Eurasian water milfoil, zebra mussels, or other water-transmitted exotic harmful species identified by the commissioner of natural resources, shall be randomly inspected between May 1 and October 15 for a minimum of 10,000 hours by personnel authorized by the commissioner of natural resources. *Beginning in calendar year 1994, a minimum of 20,000 hours of random inspections must be conducted per year.*

Sec. 2. [84.9692] [CIVIL CITATIONS AND PENALTIES.]

Subdivision 1. [AUTHORITY TO ISSUE.] After appropriate training, conservation officers, peace officers, and other staff designated by the commissioner may issue warnings or citations to persons who:

(1) unlawfully transport ecologically harmful exotic species on a public road;

(2) place a trailer or launch a watercraft with ecologically harmful species attached into waters of the state;

(3) operate a watercraft in a Eurasian water milfoil infestation area; or

(4) damage, remove, or sink a buoy marking a Eurasian water milfoil infestation area.

Subd. 2. [PENALTY AMOUNT.] A citation issued under this section may impose up to the following penalty amounts:

(1) \$50 for transporting visible Eurasian water milfoil on a public road in each of the following locations:

(i) the exterior of the watercraft below the gunwales including the propulsion system;

(ii) any surface of a watercraft trailer;

(iii) any surface of a watercraft interior of the gunwales;

(iv) any water container including live wells, minnow buckets, or coolers which hold water; or

(v) any other area where visible Eurasian water milfoil is found not previously described in items (1) to (4);

(2) \$150 for transporting visible zebra mussels on a public road;

(3) \$300 for transporting live ruffe or live rusty crayfish on a public road;

(4) \$500 for attempting to launch or launching a watercraft with visible Eurasian water milfoil or adult zebra mussels attached visible prior to launching into noninfested waters for a first offense, and \$1,000 for a second or subsequent offense;

(5) \$100 for operating a watercraft in a marked limited infestation of Eurasian water milfoil other than as provided by law;

(6) \$150 for intentionally damaging, moving, removing, or sinking a milfoil buoy; or

(7) \$150 for launching or attempting to launch a watercraft with visible Eurasian water milfoil or visible zebra mussels visible prior to launching into infested waters.

Subd. 3. [PAYMENT OF PENALTY.] If not appealed under subdivision 4, civil penalties are payable to the commissioner no later than 30 days after issuance. Fines collected under this section must be credited to the water recreation account.

Subd. 4. [APPEALS.] Citations may be appealed under the procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner within 15 days after receipt of the citation. If a hearing is not requested within the 15-day period, the citation becomes a final order not subject to further review.

Subd. 5. [ENFORCEMENT OF FIELD CITATIONS.] Field citations may be enforced under section 18.317.

Subd. 6. [CUMULATIVE REMEDY.] The authority of conservation officers to issue field citations is in addition to other remedies available under law, except that the state may not seek penalties under any other provision of law for the incident subject to the citation.

Sec. 3. Minnesota Statutes 1992, section 86B.415, subdivision 7, is amended to read:

Subd. 7. [WATERCRAFT SURCHARGE.] A surcharge of \$3 is placed on each watercraft licensed under subdivisions 1 to 5 for control, public awareness, law enforcement, monitoring, and research of nuisance aquatic exotic species such as zebra mussel, purple loosestrife, and Eurasian water milfoil in public waters and public wetlands. The surcharge is \$5 until December 31, 1996, and \$3 thereafter.

Sec. 4. Minnesota Statutes 1992, section 103G.615, subdivision 2, is amended to read:

Subd. 2. [FEES.] (a) The commissioner shall establish a fee schedule for permits to harvest aquatic plants other than wild rice, by order, after holding a public hearing. The fees may not exceed \$200 per permit based upon the cost of receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit.

(b) The fee for a permit for chemical treatment of rooted aquatic vegetation may not exceed \$20 for each contiguous parcel of shoreline owned by an owner. This fee may not be charged for permits issued in connection with lakewide Eurasian water milfoil control programs.

(c) A fee may not be charged to the state or a federal governmental agency applying for a permit.

(e) (d) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the game and fish fund.

Sec. 5. Minnesota Statutes 1992, section 103G.617, subdivision 5, is amended to read:

Subd. 5. [RESEARCH.] The commissioner shall initiate cooperative research with the ~~Freshwater Foundation and the University of Minnesota freshwater biological institute~~ and other public and private research facilities to study the use of nonchemical methods, including biological control agents, for control of Eurasian water milfoil.

Sec. 6. [MANAGEMENT OF EURASIAN WATER MILFOIL IN WHITE BEAR LAKE.]

By May 31, 1993, the department of natural resources shall recommend appropriate management methods for the control of Eurasian water milfoil in White Bear lake to be implemented by the White Bear Lake conservation district in cooperation with local units of government, lake associations, and local citizen groups.

Sec. 7. [APPROPRIATION.]

\$347,000 in fiscal year 1994 and \$448,000 in fiscal year 1995 are appropriated from the water recreation account in the natural resources fund to the commissioner of natural resources for control, public awareness, law enforcement, monitoring, and research on nuisance aquatic exotic species in public waters and wetlands.

Sec. 8. [EFFECTIVE DATE.]

Sections 3 and 4 are effective January 1, 1994. Sections 2 and 6 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to waters; inspection of watercraft for exotic harmful species; permit fee for aquatic vegetation control; authorizing civil penalties; appropriating money; amending Minnesota Statutes 1992, sections 18.317, subdivision 3a; 86B.415, subdivision 7; 103G.615, subdivision 2; 103G.617, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 84."

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

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

H.F. No. 948 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.
948	938				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 948 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 948 and insert the language after the enacting clause of S.F. No. 938, the second engrossment; further, delete the title of H.F. No. 948 and insert the title of S.F. No. 938, the second engrossment.

And when so amended H.F. No. 948 will be identical to S.F. No. 938, and further recommends that H.F. No. 948 be given its second reading and substituted for S.F. No. 938, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1114 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.
1114	669				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1114 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1114 and insert the language after the enacting clause of S.F. No. 669, the second engrossment; further, delete the title of H.F. No. 1114 and insert the title of S.F. No. 669, the second engrossment.

And when so amended H.F. No. 1114 will be identical to S.F. No. 669, and further recommends that H.F. No. 1114 be given its second reading and substituted for S.F. No. 669, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1259 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.
1259	1167				

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.

SECOND READING OF SENATE BILLS

S.F. Nos. 1088, 811, 817, 1162 and 1101 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 864, 948, 1114 and 1259 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Stumpf moved that the name of Mr. Bertram be added as a co-author to S.F. No. 853. The motion prevailed.

Mr. Novak moved that the names of Ms. Pappas and Mr. Murphy be added as co-authors to S.F. No. 1264. The motion prevailed.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1408, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1408 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 5, 1993

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1408

A bill for an act relating to agriculture; redefining terms in the plant pest act; exempting certain nonprofit organizations from the requirement for a nursery stock dealer certificate; amending Minnesota Statutes 1992, section 18.46, subdivision 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 18.

May 3, 1993

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 1408, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: (Signed) Warren Limmer, Steven Smith, Stephen G. Wenzel

Senate Conferees: (Signed) Patrick D. McGowan, Dan Stevens, Joe Bertram, Sr.

Mr. McGowan moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1408 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1408 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 50 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Johnston	Metzen	Runbeck
Anderson	Day	Kelly	Moe, R.D.	Sams
Belanger	Dille	Kiscaden	Morse	Samuelson
Benson, D.D.	Finn	Knutson	Murphy	Solon
Benson, J.E.	Flynn	Langseth	Oliver	Spear
Berg	Frederickson	Larson	Pariseau	Stevens
Berglin	Hanson	Lesewski	Piper	Stumpf
Bertram	Hottinger	Luther	Price	Terwilliger
Betzold	Johnson, D.E.	Marty	Ranum	Vickerman
Chandler	Johnson, J.B.	McGowan	Riveness	Wiener

Mr. Kroening voted in the negative.

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

MOTIONS AND RESOLUTIONS – CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1133 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1133: 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; appropriating money; amending Minnesota Statutes 1992, section 216C.01, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 216B; and 216C.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 894 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 894: A bill for an act relating to agriculture; imposing licensing requirements for general merchandise storage warehouses; providing bond claim procedures; amending Minnesota Statutes 1992, sections 231.01, by adding a subdivision; 231.11; 231.12; 231.13; 231.14; 231.17; and 231.18; repealing Minnesota Statutes 1992, sections 231.19; 231.20; 231.21; 231.22; 231.23; 231.25; 231.26; 231.27; 231.29; 231.30; 231.31; and 231.33.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Murphy	Samuelson
Anderson	Finn	Kroening	Oliver	Solon
Benson, D.D.	Flynn	Langseth	Pariseau	Spear
Benson, J.E.	Frederickson	Larson	Piper	Stevens
Berg	Hanson	Lessard	Price	Stumpf
Berglin	Hottinger	Luther	Ranum	Terwilliger
Bertram	Johnson, D.E.	Marty	Reichgott	Vickerman
Betzold	Johnson, J.B.	McGowan	Riveness	Wiener
Chandler	Johnston	Metzen	Robertson	
Chmielewski	Kelly	Moe, R.D.	Runbeck	
Day	Kiscaden	Morse	Sams	

Ms. Lesewski voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 296 a Special Order to be heard immediately.

SPECIAL ORDER

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 544 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 544: A bill for an act relating to labor; providing that certain acts are an unfair labor practice; amending Minnesota Statutes 1992, sections 179.12; and 179A.13, subdivision 2.

Ms. Kiscaden moved to amend S.F. No. 544 as follows:

Page 2, line 4, after "To" insert "*intentionally*"

Page 4, line 2, after "(13)" insert "*intentionally*"

CALL OF THE SENATE

Mr. Murphy imposed a call of the Senate for the balance of the proceedings on S.F. No. 544. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 25 and nays 35, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Adkins	Hanson	Lessard	Murphy	Riveness
Anderson	Hottinger	Luther	Novak	Sams
Berglin	Johnson, J.B.	Marty	Pappas	Samuelson
Betzold	Kelly	Metzen	Piper	Solon
Chandler	Krentz	Moe, R.D.	Price	Spear
Finn	Kroening	Mondale	Ranum	Stumpf
Flynn	Langseth	Morse	Reichgott	Wiener

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

S.F. No. 544 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 37 and nays 24, as follows:

Those who voted in the affirmative were:

Adkins	Flynn	Lessard	Novak	Samuelson
Anderson	Hanson	Luther	Pappas	Solon
Berglin	Hottinger	Marty	Piper	Spear
Bertram	Johnson, J.B.	Metzen	Price	Stumpf
Betzold	Kelly	Moe, R.D.	Ranum	Wiener
Chandler	Krentz	Mondale	Reichgott	
Chmielewski	Kroening	Morse	Riveness	
Finn	Langseth	Murphy	Sams	

Those who voted in the negative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 554 a Special Order to be heard immediately.

SPECIAL ORDER

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	Flynn	Laidig	Neuville	Riveness
Anderson	Frederickson	Langseth	Novak	Robertson
Belanger	Hanson	Lessard	Oliver	Runbeck
Benson, J.E.	Johnson, D.E.	Luther	Olson	Samuelson
Berglin	Johnson, J.B.	Marty	Pappas	Solon
Bertram	Johnston	McGowan	Pariseau	Spear
Betzold	Kiscaden	Metzen	Piper	Stumpf
Chandler	Knutson	Moe, R.D.	Price	Terwilliger
Cohen	Krentz	Mondale	Ranum	Wiener
Finn	Kroening	Murphy	Reichgott	

Those who voted in the negative were:

Benson, D.D.	Day	Larson	Morse	Stevens
Berg	Dille	Lesewski	Sams	Vickerman
Chmielewski				

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 788 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 788: A bill for an act relating to energy; clarifying maximum energy consumption requirements for certain exit lamps; eliminating advance forecast reporting requirements for public electric utilities submitting advance forecasts in an integrated resource plan; updating the municipal energy conservation loan program; eliminating the district heating loan program; amending Minnesota Statutes 1992, sections 16B.61, subdivision 3; 116C.54; 216B.16, by adding a subdivision; 216C.17, subdivision 3; 216C.19, subdivisions 17 and 19; 216C.37, subdivision 1; 299F.011, subdivision 4c; and 446A.10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 216C; repealing Minnesota Statutes 1992, section 216C.36; Minnesota Rules, parts 7665.0200; 7665.0210; 7665.0220; 7665.0230; 7665.0240; 7665.0250; 7665.0300; 7665.0310; 7665.0320; 7665.0330; 7665.0340; 7665.0350; 7665.0360; 7665.0370; and 7665.0380.

Mr. Chandler moved to amend S.F. No. 788 as follows:

Page 5, after line 31, insert:

"Sec. 4. Minnesota Statutes 1992, section 216B.241, subdivision 1b, is amended to read:

Subd. 1b. [CONSERVATION IMPROVEMENTS; COOPERATIVES; MUNICIPALITIES.] (a) This subdivision applies to:

(1) a cooperative electric association that generates and transmits electricity to associations that provide electricity at retail including a cooperative electric association not located in this state that serves associations or others in the state;

(2) a municipality that provides electric service to retail customers; and

(3) a municipality with gross operating revenues in excess of \$5,000,000 from sales of natural gas to retail customers.

(b) Each cooperative electric association and municipality subject to this subdivision shall spend and invest for energy conservation improvements under this subdivision the following amounts:

(1) for a municipality, .5 percent of its gross operating revenues from the sale of gas and one percent of its gross operating revenues from the sale of electricity not purchased from a public utility governed by subdivision 1a or a cooperative electric association governed by this subdivision; and

(2) for a cooperative electric association, 1.5 percent of its gross operating revenues from service provided in the state.

(c) Each municipality and cooperative association subject to this subdivision shall identify and implement energy conservation improvement spending and investments that are appropriate for the municipality or association. Load management may be used to meet the requirements of this subdivision if it reduces the demand for or increases the efficiency of electric services. A generation and transmission cooperative electric association may include as spending and investment required under this subdivision conservation improvement spending and investment by cooperative electric associations that provide electric service at retail to consumers and that are served by the generation and transmission association. By February 1 of each year, each municipality or cooperative shall report to the commissioner its energy

conservation improvement spending and investments with a brief analysis of effectiveness in reducing consumption of electricity or gas. The commissioner shall review each report and make recommendations, where appropriate, to the municipality or association to increase the effectiveness of conservation improvement activities. The commissioner shall also review each report for whether a portion of the money spent on residential conservation improvement programs is devoted to programs that directly address the needs of renters and low-income persons unless an insufficient number of appropriate programs are available. For the purposes of this subdivision and subdivision 2, "low-income" means an income of less than 185 percent of the federal poverty level. *The commissioner shall approve energy conservation improvement spending and investments for residential conservation improvement programs devoted to the needs of renters and low-income persons, provided that the total cost to the utility is less than the cost to produce an equivalent new supply of energy.*

(d) As part of its spending for conservation improvement, a municipality or association may contribute to the energy and conservation account. Any amount contributed must be remitted to the commissioner of public service by February 1 of each year.

Sec. 5. Minnesota Statutes 1992, section 216B.241, subdivision 2, is amended to read:

Subd. 2. [PROGRAMS.] The commissioner may by rule require public utilities to make investments and expenditures in energy conservation improvements, explicitly setting forth the interest rates, prices, and terms under which the improvements must be offered to the customers. The required programs must cover a two-year period. The commissioner shall require at least one public utility to establish a pilot program to make investments in and expenditures for energy from renewable resources such as solar, wind, or biomass and shall give special consideration and encouragement to programs that bring about significant net savings through the use of energy-efficient lighting. The commissioner shall evaluate the program on the basis of cost-effectiveness and the reliability of technologies employed. The rules of the department must provide to the extent practicable for a free choice, by consumers participating in the program, of the device, method, or material constituting the energy conservation improvement and for a free choice of the seller, installer, or contractor of the energy conservation improvement, provided that the device, method, material, seller, installer, or contractor is duly licensed, certified, approved, or qualified, including under the residential conservation services program, where applicable. The commissioner may require a utility to make an energy conservation improvement investment or expenditure whenever the commissioner finds that the improvement will result in energy savings at a total cost to the utility less than the cost to the utility to produce or purchase an equivalent amount of new supply of energy. The commissioner shall nevertheless ensure that every public utility operate one or more programs under periodic review by the department. Load management may be used to meet the requirements for energy conservation improvements under this section if it results in a demonstrable reduction in consumption of energy. The commissioner shall consider and may require a utility to undertake a program suggested by an outside source, including a political subdivision or a nonprofit or community organization. No utility may make an energy conservation improvement under this section to a building envelope unless:

(1) it is the primary supplier of energy used for either space heating or cooling in the building;

(2) the commissioner determines that special circumstances, which would unduly restrict the availability of conservation programs, warrant otherwise; or

(3) the utility has been awarded a contract under subdivision 2a.

The commissioner shall ensure that a portion of the money spent on residential conservation improvement programs is devoted to programs that directly address the needs of renters and low-income persons unless an insufficient number of appropriate programs are available. *The commissioner shall approve energy conservation improvement spending and investments for residential conservation improvement programs devoted to the needs of renters and low-income persons; provided that the total cost to the utility is less than the cost to produce an equivalent amount new supply of energy.*

A utility, a political subdivision, or a nonprofit or community organization that has suggested a program, the attorney general acting on behalf of consumers and small business interests, or a utility customer that has suggested a program and is not represented by the attorney general under section 8.33 may petition the commission to modify or revoke a department decision under this section, and the commission may do so if it determines that the program is not cost-effective, does not adequately address the residential conservation improvement needs of low-income persons, has a long-range negative effect on one or more classes of customers, or is otherwise not in the public interest. The person petitioning for commission review has the burden of proof. The commission shall reject a petition that, on its face, fails to make a reasonable argument that a program is not in the public interest."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Stevens moved to amend S.F. No. 788 as follows:

Page 5, delete section 3

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Ms. Johnson, J.B. moved to amend S.F. No. 788 as follows:

Page 6, after line 34, insert:

"Sec. 8. Minnesota Statutes 1992, section 216C.31, is amended to read:

216C.31 [ENERGY AUDIT PROGRAMS.]

Subdivision 1. [PROGRAMS.] The commissioner shall develop and administer state programs of energy audits of residential and commercial buildings including those required by United States Code, title 42, sections 8211 to 8222 and sections 8281 to 8284. The commissioner shall continue to administer the residential energy audit program as originally established under

the provisions of United States Code, title 42, sections 8211 to 8222; through July 1, 1986 irrespective of any prior expiration date provided in United States Code, title 42, section 8216. The commissioner may approve temporary programs if they are likely to result in the installation of as many conservation measures as would have been installed had the utility met the requirements of United States Code, title 42, sections 8211 to 8222.

Subd. 2. [RENTAL PROPERTY; OCCUPANCY OR OWNERSHIP CHANGE.] (a) *When an energy audit has not been conducted within the previous three years of a change in occupancy or ownership of a renter-occupied residence, as defined in section 216C.27, subdivision 2, the new owner or new occupant may request an energy audit if the rental unit is individually metered for heating utility purposes and the occupant is directly responsible for paying the heating utility bill. The utility providing gas or electric service to the residence shall then provide an energy audit free of charge to the requester. The utility shall provide the owner and new occupant with a copy of the energy audit showing the date completed.*

(b) *The expenses of the utility to provide energy audits under this subdivision are considered conservation improvement program expenses under section 216B.241. The commission shall allow a utility to recover energy audit expenses under this section.*

Subd. 3. [RELEASE OF INFORMATION.] The consumer services division and the attorney general may release information on consumer comments about the operation of the program to the commissioner."

Page 12, after line 22, insert:

"Sec. 13. Minnesota Statutes 1992, section 504.185, subdivision 1, is amended to read:

Subdivision 1. **[DEFINITIONS.]** For the purposes of this section, the following terms have the meanings given to them.

(a) "Owner" has the meaning given to it in section 566.18, subdivision 3.

(b) "Tenant" has the meaning given to it in section 566.18, subdivision 2.

(c) "Building" has the meaning given to it in section 566.18, subdivision 7.

(d) *"Single-metered residential building" means a multiunit rental building with one or more separate residential living units, managed by a landlord, where two or more rental units are provided utility service through a single meter or other device used to measure the amount of utility service consumed.*

Sec. 14. Minnesota Statutes 1992, section 504.185, is amended by adding a subdivision to read:

Subd. 1a. [SINGLE-METER UTILITY SERVICE PAYMENTS.] *In a residential leasehold contract entered into or renewed on or after August 1, 1993, the landlord of a single-metered residential building is responsible for and shall contract with the utility for utility services and shall be the bill payer and the customer of record on the utility account. The landlord must advise the utility provider that the utility services apply to a single-metered residential building. A failure by the landlord to comply with this subdivision is a violation of sections 504.18, subdivision 1, clause (a), and 504.26. In addition to the remedy provided by this section, the landlord is subject to the*

penalties and remedies applicable to a violation of sections 504.18, subdivision 1, clause (a), and 504.26. This subdivision may not be waived by contract or otherwise. This subdivision does not require a landlord to contract and pay for utility service provided to each residential unit through a separate meter.

Sec. 15. Minnesota Statutes 1992, section 504.22, is amended by adding a subdivision to read:

Subd. 4b. [DISCLOSURE OF ENERGY INFORMATION.] The owner of a rental building, as defined in section 566.18, subdivision 7, shall disclose in writing and provide to each prospective tenant if the rental unit is individually metered for heating utility purposes and the occupant is directly responsible for paying the heating utility bill:

(1) a statement on whether an energy audit has been conducted within the last three years; and

(2) a copy of the last energy audit conducted, if any."

Page 12, line 31, delete "section 216C.36, is" and insert "sections 216C.36 and 327C.04, subdivision 4, are"

Page 12, after line 35, insert:

"Sec. 18. [EFFECTIVE DATE.]

Sections 8 and 15 are effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 788 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 988 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 988: A bill for an act relating to game and fish; allowing the taking

of two deer in designated counties; amending Minnesota Statutes 1992, section 97B.301, subdivisions 2, 4, and by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1402 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1402: A bill for an act relating to natural resources; amending requirements relating to replacement of wetlands; modifying exemptions; amending Minnesota Statutes 1992, sections 103E.701, subdivision 1; 103G.222; 103G.2241; 103G.2242, subdivision 2; 103G.2369, subdivision 2; and Laws 1991, chapter 354, article 7, section 2.

Mr. Stumpf moved to amend H.F. No. 1402, as amended pursuant to Rule 49, adopted by the Senate May 4, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1363.)

Page 8, after line 36, insert:

“Sec. 7. [EFFECTIVE DATE.]

This act is effective the day following final enactment.”

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend H.F. No. 1402, as amended pursuant to Rule 49, adopted by the Senate May 4, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1363.)

Page 8, after line 14, insert:

“Sec. 4. Minnesota Statutes 1992, section 103G.2242, subdivision 11, is amended to read:

Subd. 11. [WETLAND HERITAGE ADVISORY COMMITTEE.] The governor shall establish a wetland heritage advisory committee consisting of a balanced diversity of interests including agriculture, environmental, and sporting organizations, land development organizations, local government

organizations, and other agencies. The committee must consist of nine members including the commissioner of agriculture, or a designee of the commissioner, the commissioner of natural resources, and seven members appointed by the governor. The governor's appointees must include one county commissioner, one representative each from a statewide sporting organization, a statewide conservation organization, an agricultural commodity group, one faculty member of an institution of higher education with expertise in the natural sciences, and one member each from two statewide farm organizations. The committee shall advise the board on the development of rules under this section and, after rule adoption, shall meet *at least* twice a year to review implementation of the program, to identify strengths and weaknesses, and to recommend changes to the rules and the law to improve the program."

Page 8, after line 36, insert:

"Sec. 8. [STUDY AND REPORT ON WETLAND ISSUES.]

The wetland heritage advisory committee shall study the following issues and submit a report by January 15, 1994, to the legislative committees having jurisdiction over environmental and natural resource issues:

(1) the appropriateness of requirements under existing state laws relating to replacement of drained or filled wetlands;

(2) the advisability of establishing a minimum size of wetland that would not be subject to regulation under these laws;

(3) the appropriate level of regulation of activities in wetlands located in counties in which a high percentage of presettlement wetland acreage is intact;

(4) the appropriate level of regulation for activities in type I wetlands, as defined in United States Fish and Wildlife Circular No. 39 (1971 edition);

(5) the feasibility and advisability of allowing local units of government to establish alternative regulatory programs for wetlands that would operate in lieu of state law; and

(6) other issues identified by the committee as deserving of attention.

The report must include the committee's recommendations, if any, for changes to existing state laws and rules regulating draining and filling activities in wetlands."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring the wetland heritage advisory committee to meet at least twice per year; requiring a report;"

Page 1, line 5, delete "subdivision 2" and insert "subdivisions 2 and 11"

The motion prevailed. So the amendment was adopted.

Mr. Vickerman moved to amend H.F. No. 1402, as amended pursuant to Rule 49, adopted by the Senate May 4, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1363.)

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1992, section 103E.701, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] The term "repair," as used in this section, means to restore all or a part of a drainage system as nearly as practicable to the same condition as originally constructed and subsequently improved, including resloping of ditches and leveling of waste banks if necessary to prevent further deterioration, realignment to original construction if necessary to restore the effectiveness of the drainage system, and routine operations that may be required to remove obstructions and maintain the efficiency of the drainage system. "Repair" also includes:

(1) incidental straightening of a tile system resulting from the tile-laying technology used to replace tiles; and

(2) replacement of tiles with the next larger size that is readily available, if the original size is not readily available."

Page 8, after line 36, insert:

"Sec. 8. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "defining as "repair" under the drainage code certain incidental straightening of tiles and use of larger tile sizes under certain circumstances;"

Page 1, line 4, after "sections" insert "103E.701, subdivision 1;"

The motion prevailed. So the amendment was adopted.

H.F. No. 1402 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 826 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 826: A bill for an act relating to counties; allowing counties to impose fees or interest on late payments; amending Minnesota Statutes 1992, section 373.41.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1226 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1226: A bill for an act relating to insurance; the comprehensive health association; clarifying the duties of the association and the authority of the commissioner of commerce; repealing obsolete language; amending Minnesota Statutes 1992, sections 62E.08; 62E.09; 62E.10, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 62E.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and

Administration, designated H.F. No. 185 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 185: A bill for an act relating to utilities; prohibiting state permits for construction of certain hydropower facilities on the bluffs of the Mississippi river; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1064 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1064: A bill for an act relating to retirement; alternative retirement coverage for certain state university and community college teachers; amending Laws 1990, chapter 570, article 10, section 7.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Knutson	Murphy	Runbeck
Belanger	Day	Krentz	Neuville	Sams
Benson, D.D.	Dille	Kroening	Oliver	Solon
Benson, J.E.	Finn	Laidig	Olson	Spear
Berg	Flynn	Larson	Pappas	Stevens
Berglin	Frederickson	Luther	Pogemiller	Stumpf
Bertram	Hottinger	Marty	Price	Vickerman
Betzold	Johnson, J.B.	Metzen	Ranum	Wiener
Chandler	Johnston	Mondale	Reichgott	
Chmielewski	Kiscaden	Morse	Riveness	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and

Administration, designated H.F. No. 571 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 571: A bill for an act relating to education; extending dates for per pupil revenue option; authorizing certain contracts with school board members and with the spouses of school district employees; amending Minnesota Statutes 1992, sections 124A.029, subdivision 4, 127.15; and 471.88, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Kiscaden	Moe, R.D.	Ranum
Belanger	Day	Knutson	Morse	Riveness
Benson, D.D.	Dille	Krentz	Murphy	Runbeck
Benson, J.E.	Finn	Kroening	Novak	Sams
Berg	Flynn	Laidig	Oliver	Spear
Berglin	Frederickson	Larson	Olson	Stumpf
Bertram	Hottinger	Lesewski	Pappas	Vickerman
Betzold	Janezich	Luthier	Pariseau	Wiener
Chandler	Johnson, J.B.	Marty	Pogemiller	
Chmielewski	Johnston	Metzen	Price	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1320 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1320: A bill for an act relating to education; requiring changes in college preparation requirements.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Knutson	Moe, R.D.	Price
Belanger	Dille	Krentz	Mondale	Ranum
Benson, D.D.	Finn	Kroening	Morse	Riveness
Benson, J.E.	Frederickson	Laidig	Murphy	Robertson
Berg	Hanson	Langseth	Novak	Runbeck
Berglin	Hottinger	Larson	Oliver	Sams
Bertram	Janezich	Lesewski	Olson	Solon
Betzold	Johnson, J.B.	Luther	Pappas	Spear
Chandler	Johnston	Marty	Pariseau	Vickerman
Chmielewski	Kiscaden	Metzen	Piper	Wiener

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 427 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 427: A bill for an act relating to taxation; making technical corrections and administrative changes to sales and use taxes, income and franchise taxes, property taxes, and tax administration and enforcement; changing penalties; appropriating money; amending Minnesota Statutes 1992, sections 82B.035, by adding a subdivision; 84.82, subdivision 10; 86B.401, subdivision 12; 270.071, subdivision 2; 270.072, subdivision 2; 271.06, subdivision 1; 271.09, subdivision 3; 272.02, subdivisions 1 and 4; 272.025, subdivision 1; 272.12; 273.03, subdivision 2; 273.061, subdivision 8; 273.124, subdivisions 9 and 13; 273.13, subdivision 25; 273.138, subdivision 5; 273.1398, subdivisions 1, 3, and 5b; 274.13, subdivision 1; 274.18; 275.065, subdivision 5a; 275.07, subdivisions 1 and 4; 275.28, subdivision 3; 275.295; 277.01, subdivision 2; 277.15; 277.17; 278.01, subdivision 1; 278.02; 278.03; 278.04; 278.08; 278.09; 287.21, subdivision 4; 287.22; 289A.08, subdivisions 3, 10, and 15; 289A.09, subdivision 1; 289A.11, subdivisions 1 and 3; 289A.12, subdivisions 2, 3, 4, 7, 8, 9, 10, 11, 12, and 14; 289A.18, subdivisions 1 and 4; 289A.20, subdivision 4; 289A.25, subdivisions 1, 2, 5a, 6, 8, 10, and 12; 289A.26, subdivisions 1, 4, and 6; 290A.04, subdivisions 1 and 2h; 296.14, subdivision 2; 297A.01, subdivision 3; 297B.01, subdivision 5; 297B.03; 347.10; 348.04; 469.175, subdivision 5; and 473H.10, subdivision 3; Laws 1991, chapter 291, article 1, section 65, as amended; Laws 1992, chapter 511, article 2, section 61; proposing coding for new law in Minnesota Statutes, chapters 273; 289A; and 297; repealing Minnesota Statutes 1992, sections 60A.13, subdivision 1a; 273.49; 274.19; 274.20; 277.011; 289A.08, subdivisions 9 and 12; 297A.258; and 348.03.

Ms. Pappas moved to amend H.F. No. 427, as amended pursuant to Rule 49, adopted by the Senate April 22, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 585.)

Page 6, lines 27 and 28, delete the new language

Page 72, line 11, delete "3.5" and insert "2.65"

Pages 87 and 88, delete section 39

Renumber the sections of article 3 in sequence and correct the internal references

Amend the title as follows:

Page 1, line 19, delete "282.018;"

The motion prevailed. So the amendment was adopted.

H.F. No. 427 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 238 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 238: A bill for an act relating to towns; providing that metropolitan town elections may take place on the general election day; amending Minnesota Statutes 1992, sections 365.51, subdivision 1, and by adding a subdivision; and 365.59.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mrs. Adkins voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 141 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 141: A bill for an act relating to uniform acts; enacting Minnesota Common Interest Ownership Act; amending Minnesota Statutes 1992, sections 308A.011, subdivision 1; 500.20, subdivision 2a; 508.71, by adding a subdivision; and 541.023, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 515B.

Ms. Reichgott moved to amend S.F. No. 141 as follows:

Page 52, after line 14, insert:

“(g) Except as otherwise provided in this subsection, meetings of the board of directors must be open to the unit owners. To the extent practicable, the board shall give reasonable notice to the unit owners of the date, time, and place of a board meeting. If the date, time, and place of meetings are provided for in the declaration, articles, or bylaws, announced at a previous meeting of the board, posted in a location accessible to the unit owners and designated by the board from time to time, or if an emergency requires immediate consideration of a matter by the board, notice is not required. “Notice” has the meaning given in section 317A.011, subdivision 14. Meetings may be closed to discuss the following:

(1) personnel matters;

(2) pending or potential litigation, arbitration or other potentially adversarial proceedings, between unit owners, between the board or association and unit owners, or other matters in which any unit owner may have an adversarial interest, if the board determines that closing the meeting is necessary to discuss strategy or to otherwise protect the position of the board or association or the privacy of a unit owner or occupant of a unit; or

(3) criminal activity arising within the common interest community if the board determines that closing the meeting is necessary to protect the privacy of the victim or that opening the meeting would jeopardize investigation of the activity.

Nothing in this subsection imposes a duty on the board to provide special facilities for meetings. The failure to give notice as required by this subsection shall not invalidate the board meeting or any action taken at the meeting.”

The motion prevailed. So the amendment was adopted.

Ms. Reichgott then moved to amend S.F. No. 141 as follows:

Page 10, line 9, delete “515A.2-104” and insert “515B.2-104”

Page 21, line 24, delete “515B.1-103(32)” and insert “515B.1-103(31)”

Page 40, line 4, delete the fourth comma

Page 49, line 8, delete “bylaws and declaration” and insert “declaration and bylaws”

Page 66, line 6, delete “budget” and insert “budgets” and after “provide” insert “from year to year, on a cumulative basis,”

Page 67, line 32, delete the first comma

Page 68, line 28, after “(k)” insert “Subject to any shorter period specified by the declaration or bylaws,”

Page 69, line 16, delete everything after the comma

Page 69, delete lines 17 and 18

Page 69, line 19, delete “assessment lien”

Page 69, line 20, delete everything after the period

Page 69, delete lines 21 to 23

Page 69, line 24, delete "advertisement" and insert "If a first mortgage on a unit is foreclosed, the first mortgage was recorded after the effective date of this chapter, and no owner redeems during the owner's period of redemption provided by chapter 580, 581, or 582, the holder of the sheriff's certificate of sale from the foreclosure of the first mortgage shall take title to the unit subject to unpaid assessments for common expenses levied pursuant to section 515B.3-115(a), (h)(1) to (3), (i), and (l) which became due, without acceleration, during the six months immediately preceding the first day following the end of the owner's period of redemption. If a first security interest encumbering a unit owner's interest in a cooperative unit which is personal property is foreclosed, the secured party or the purchaser at the sale shall take title to the unit subject to unpaid assessments for common expenses levied pursuant to section 515B.3-115(a), (h)(1) to (3), (i), and (l) which became due, without acceleration, during the six months immediately preceding the first day following either the date of sale pursuant to section 336.9-504 or the date on which the obligation of the unit owner is discharged pursuant to section 336.9-505"

Page 70, line 24, after the period, insert "In any disposition pursuant to section 336.9-504 or retention pursuant to section 336.9-505, the rights of the parties shall be the same as those provided by law, except (i) notice of sale, disposition, or retention shall be served on the unit owner 90 days prior to sale, disposition, or retention, (ii) the association shall be entitled to its reasonable costs and attorney fees not exceeding the amount provided by section 582.01, subdivision 1a, (iii) the amount of the association's lien shall be deemed to be adequate consideration for the unit subject to disposition or retention, notwithstanding the value of the unit, and (iv) the notice of sale, disposition, or retention shall contain the following statement in capital letters with the name of the association or secured party filled in:

"THIS IS TO INFORM YOU THAT BY THIS NOTICE (fill in name of association or secured party) HAS BEGUN PROCEEDINGS UNDER MINNESOTA STATUTES, CHAPTER 515B, TO FORECLOSE ON YOUR INTEREST IN YOUR UNIT FOR THE REASON SPECIFIED IN THIS NOTICE. YOUR INTEREST IN YOUR UNIT WILL TERMINATE 90 DAYS AFTER SERVICE OF THIS NOTICE ON YOU UNLESS BEFORE THEN:

(a) THE PERSON AUTHORIZED BY (fill in the name of association or secured party) AND DESCRIBED IN THIS NOTICE TO RECEIVE PAYMENTS RECEIVES FROM YOU:

(1) THE AMOUNT THIS NOTICE SAYS YOU OWE; PLUS

(2) THE COSTS INCURRED TO SERVE THIS NOTICE ON YOU; PLUS

(3) \$500 TO APPLY TO ATTORNEYS FEES ACTUALLY EXPENDED OR INCURRED; PLUS

(4) ANY ADDITIONAL AMOUNTS FOR YOUR UNIT BECOMING DUE TO (fill in name of association or secured party) AFTER THE DATE OF THIS NOTICE; OR

(b) YOU SECURE FROM A DISTRICT COURT AN ORDER THAT THE FORECLOSURE OF YOUR RIGHTS TO YOUR UNIT BE SUSPENDED UNTIL YOUR CLAIMS OR DEFENSES ARE FINALLY DISPOSED OF BY TRIAL, HEARING, OR SETTLEMENT. YOUR ACTION MUST SPECIFI-

CALLY STATE THOSE FACTS AND GROUNDS THAT DEMONSTRATE YOUR CLAIMS OR DEFENSES.

IF YOU DO NOT DO ONE OR THE OTHER OF THE ABOVE THINGS WITHIN THE TIME PERIOD SPECIFIED IN THIS NOTICE, YOUR OWNERSHIP RIGHTS IN YOUR UNIT WILL TERMINATE AT THE END OF THE PERIOD, YOU WILL LOSE ALL THE MONEY YOU HAVE PAID FOR YOUR UNIT, YOU WILL LOSE YOUR RIGHT TO POSSESSION OF YOUR UNIT, YOU MAY LOSE YOUR RIGHT TO ASSERT ANY CLAIMS OR DEFENSES THAT YOU MIGHT HAVE, AND YOU WILL BE EVICTED. IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, CONTACT AN ATTORNEY IMMEDIATELY."

Page 70, line 25, after "foreclosure" insert "pursuant to chapter 580, 581, or 582,"

Page 70, line 26, delete "that"

Page 70, line 28, delete "that" and insert "in a foreclosure by advertisement under chapter 580,"

Page 70, line 29, delete "all its" and after "costs" insert "and disbursements"

Page 70, line 30, after "foreclosure" insert a comma and delete "reasonable" and delete everything after "fees" and insert "in the amount provided by section 582.01, subdivision 1a"

Page 70, line 31, delete "statute to the contrary, and" and after "(iii)" insert "in a foreclosure by action under chapter 581, the foreclosing party shall be entitled to costs and disbursements of foreclosure and attorneys fees as the court shall determine, and (iv)"

Page 71, line 12, after "Except" insert "in a cooperative and except"

Page 72, after line 13, insert:

"(c) A security interest in a cooperative whose unit owners' interests in the units are personal property may be perfected by the filing of a financing statement in the office of the recording officer for the county in which the unit is located. In any disposition by a secured party pursuant to section 336.9-504 or retention pursuant to section 336.9-505, the rights of the parties shall be the same as those provided by law, subject to the exceptions and requirements set forth in section 515B.3-116 (h)(3), and except that the unit owner has the right to reinstate the debt owing to the secured party by paying to the secured party, prior to the effective date of the disposition or retention, the amount which would be required to reinstate the debt under section 580.30 if the unit were wholly real estate."

Page 77, line 24, delete "515A.4-106(d)" and insert "515B.4-106(d)"

Page 86, line 6, delete "515A.3-102(a)(2)" and insert "515B.3-102(a)(2)"

Page 98, after line 6, insert:

"ARTICLE 6

EFFECTIVE DATE

Section 1. [EFFECTIVE DATE.]

Articles 1 to 5 are effective June 1, 1994."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 141 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 951 a Special Order to be heard immediately.

SPECIAL ORDER

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 304 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 304: A bill for an act relating to agriculture; requiring aquatic pest control applicators to be licensed; establishing categories of commercial aquatic applicator and certified aquatic applicator; amending Minnesota Statutes 1992, section 18B.32.

Ms. Olson moved to amend S.F. No. 304 as follows:

Page 5, after line 20, insert:

"Sec. 2. Minnesota Statutes 1992, section 18B.33, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] (a) A person may not apply a pesticide for hire without a commercial applicator license for the appropriate use categories ~~except a licensed structural pest control applicator or a structural pest control license or commercial aquatic pest control license.~~

(b) A person with a commercial applicator license may not apply pesticides on or into surface waters without ~~an a commercial aquatic category endorsement on a commercial applicator pest control license under section 18B.32, except a commercial aquatic pest control license is not required for licensed commercial applicators applying pesticides for the purposes of:~~

- (1) *pest control on cultivated wild rice;*
- (2) *mosquito and black fly control operations;*
- (3) *pest control on rights-of-way;*
- (4) *aerial pest control operations for emergent vegetation control;*
- (5) *aerial application of piscicides; and*
- (6) *pest control for silvicultural operations.*

(c) A commercial applicator licensee must have a valid license identification card when applying pesticides for hire and must display it upon demand by an authorized representative of the commissioner or a law enforcement officer. The commissioner shall prescribe the information required on the license identification card.

Sec. 3. Minnesota Statutes 1992, section 18B.33, subdivision 4, is amended to read:

Subd. 4. [APPLICATION.] (a) A person must apply to the commissioner for a commercial applicator license on forms and in the manner required by the commissioner. The commissioner must prescribe and administer a closed-book, monitored examination, or equivalent measure to determine if the applicant is eligible for the commercial applicator license.

(b) Aerial applicators must also fulfill applicable requirements in chapter 360.

(c) ~~An applicant that desires an aquatic category endorsement must pass an examination prepared by the commissioner of natural resources and administered by the department of agriculture.~~

Sec. 4. Minnesota Statutes 1992, section 18B.34, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] (a) Except for a licensed commercial applicator, certified private applicator, *a licensed aquatic pest control applicator*, or licensed structural pest control applicator, a person, including a government employee, may not use a restricted use pesticide in performance of official duties without having a noncommercial applicator license for an appropriate use category.

(b) A licensed noncommercial applicator may not apply pesticides into or on surface waters without ~~an a certified aquatic category endorsement on the pest control license, except a certified aquatic pest control license is not required for licensed noncommercial applicators applying pesticides for the purposes of:~~

- (1) *mosquito and black fly control operations;*
- (2) *pest control on rights-of-way;*
- (3) *pest control operations for purple loosestrife control;*
- (4) *application of piscicides; and*
- (5) *pest control for silvicultural operations.*

(c) A licensee must have a valid license identification card when applying pesticides and must display it upon demand by an authorized representative of the commissioner or a law enforcement officer. The license identification card must contain information required by the commissioner.

Sec. 5. Minnesota Statutes 1992, section 18B.34, subdivision 3, is amended to read:

Subd. 3. [APPLICATION.] A person must apply to the commissioner for a noncommercial applicator license on forms and in the manner required by the commissioner. The commissioner must prescribe and administer a closed-book, monitored examination, or equivalent measure to determine if the applicant is eligible to acquire a noncommercial applicator license. ~~An applicant desiring to apply pesticides into or on surface waters must pass an examination prepared by the department of natural resources and administered by the commissioner.~~

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 304 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 785 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 785: A bill for an act relating to labor; establishing rights and duties in relation to union organization; providing that certain acts are an unfair labor practice; proposing penalties; amending Minnesota Statutes 1992, sections 179.12; 179A.07, by adding a subdivision; and 179A.13, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 35 and nays 27, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Adkins	Bertram	Knutson	Oliver	Stevens
Beckman	Day	Laidig	Olson	Stumpf
Belanger	Dille	Larson	Pariseau	Vickerman
Benson, D.D.	Frederickson	Lesewski	Robertson	
Benson, J.E.	Johnston	McGowan	Runbeck	
Berg	Kiscaden	Neuville	Sams	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1151 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1151: A bill for an act relating to employment; requiring wage payments at certain times; amending Minnesota Statutes 1992, section 181.101.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1153 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1153: A bill for an act relating to Aitkin county; permitting a local liquor and restaurant tax.

Mr. Chmielewski moved to amend S.F. No. 1153 as follows:

Page 1, line 11, after "*on-sales*" insert "*and off-sales*"

Page 1, line 12, after "*on-sale*" insert "*and off-sale*"

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski then moved that S.F. No. 1153 be laid on the table. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 964 a Special Order to be heard immediately.

SPECIAL ORDER

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

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1115 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1115: A bill for an act relating to natural resources; modifying provisions relating to aquaculture; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 17.4982, subdivisions 1, 8, and by adding a subdivision; 17.4983, subdivision 2; 17.4984, subdivision 2; 17.4985, subdivisions 2 and 3; 17.4986, subdivision 2, and by adding a subdivision; 17.4991, subdivisions 3, 4, and by adding a subdivision; 17.4992, subdivision 3; 18B.26, subdivision 1; 97C.203; 97C.515, subdivision 4; 97C.525, subdivision 3; and 103G.2241; proposing coding for new law in Minnesota Statutes, chapter 17.

Mr. Berg moved to amend S.F. No. 1115 as follows:

Page 10, after line 25, insert:

“Sec. 18. Minnesota Statutes 1992, section 97C.515, is amended by adding a subdivision to read:

Subd. 5. [SPECIAL PERMITS.] (a) The commissioner may issue a special permit, without a fee, to allow a person with a private fish hatchery license to import minnows from other states for export. A permit under this subdivision is not required for importation authorized under subdivision 4.

(b) An applicant for a permit under this subdivision shall submit to the commissioner sufficient information to identify potential threats to native plant and animal species and an evaluation of the feasibility of the proposal. The permit may include reasonable restrictions on importation, transportation, possession, containment, and disposal of minnows to ensure that native species are protected. The permit may have a term of up to two years and may be modified, suspended, or revoked by the commissioner for cause, including violation of a condition of the permit.”

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1115 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 694 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 694: A bill for an act relating to driving while intoxicated; increasing driver's license revocation periods and restricting issuance of limited licenses to persons convicted of DWI, to comply with federal standards; increasing penalties for driving while intoxicated with a child under 16 in the vehicle; establishing misdemeanor offense of operating a motor vehicle by a minor with alcohol concentration greater than 0.02; providing for implied consent to test minor's blood, breath, or urine and making refusal to take test a crime; amending Minnesota Statutes 1992, sections 168.042, subdivision 2; 169.121, subdivisions 1, 2, 3, 4, 6, 8, 10a, and by adding a subdivision; 169.1217, subdivision 1; 169.123, subdivisions 2, 4, 5a, 6, 10, and by adding a subdivision; 169.129; 171.30, subdivision 2a; 171.305, subdivision 2; and 609.21; proposing coding for new law in Minnesota Statutes, chapter 169.

Mr. Marty moved to amend S.F. No. 694 as follows:

Page 5, line 23, strike "30" and insert "90"

Page 5, line 25, strike "90" and insert "180"

Page 7, line 12, strike the first "or"

Page 7, line 13, before the period, insert "; or (3) in an action for license reinstatement under section 171.19"

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend S.F. No. 694 as follows:

Page 10, delete lines 15 to 36 and insert:

"(b) 'Designated offense' includes:

(1) a misdemeanor violation of section 169.121, or an ordinance in conformity with it, ~~or 169.129;~~

(1) ~~within five years of three after a prior driving under the influence convictions conviction or three prior license revocations based on separate incidents revocation;~~

(2) ~~within 15 years of the first of four or more prior driving under the influence convictions or the first of four or more prior license revocations based on separate incidents;~~

(3) a misdemeanor violation of section 169.121 or an ordinance in conformity with it by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (8); or

(4) (3) a misdemeanor violation of section 169.121 or an ordinance in conformity with it by a person who is subject to a restriction on the person's driver's license under section 171.09 which provides that the person may not use or consume any amount of alcohol or a controlled substance; or

(4) a gross misdemeanor violation of section 169.121 or 169.129."

Page 11, delete line 1

Page 11, after line 23, insert:

"Sec. 12. Minnesota Statutes 1992, section 169.1217, subdivision 4, is amended to read:

Subd. 4. [BOND BY OWNER FOR POSSESSION.] (a) If the owner of a vehicle that has been seized under this section seeks possession of the vehicle before the forfeiture action is determined, the owner may, subject to the approval of the appropriate ~~agency~~ authority, give security or post bond payable to the appropriate ~~agency~~ authority in an amount equal to the retail value of the seized vehicle. On posting the security or bond, the seized vehicle may be returned to the owner only if a disabling device is attached to the vehicle. The forfeiture action shall proceed against the security as if it were the seized vehicle.

(b) The motor vehicle must be returned to the owner within 24 hours if the owner surrenders the motor vehicle's certificate of title to the appropriate authority. The seized vehicle may be returned only if a disabling device is attached to the vehicle, pending resolution of the forfeiture action. If the certificate is surrendered, the owner may not be ordered to post security or bond as a condition of release of the vehicle. When a certificate of title is surrendered under this provision, the authority shall notify the department of public safety and any secured party noted on the certificate. The authority shall also notify the department and the secured party when it returns a surrendered title to the motor vehicle owner."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 52 and nays 10, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berg	Chmielewski	Lessard	Metzen	Stumpf
Bertram	Janezich	Merriam	Samuelson	Vickerman

The motion prevailed. So the amendment was adopted.

S.F. No. 694 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 54 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berg	Janezich	Pogemiller	Stumpf	Vickerman
Bertram	Metzen	Samuelson		

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1232 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1232: A resolution memorializing Congress to consider the impact of the North American Free Trade Agreement on state sovereignty, the need for full legislative deliberation, and the withdrawal of NAFTA from the current fast-track procedures.

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

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 41 and nays 18, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Lessard	Murphy	Sams
Anderson	Flynn	Luther	Novak	Solon
Berglin	Frederickson	Marty	Pappas	Stumpf
Bertram	Hottinger	McGowan	Piper	Vickerman
Betzold	Janezich	Merriam	Pogemiller	Wiener
Chandler	Johnson, J.B.	Metzen	Price	
Cohen	Kelly	Moe, R.D.	Ranum	
Day	Krentz	Mondale	Reichgott	
Dille	Kroening	Morse	Riveness	

Those who voted in the negative were:

Belanger	Chmielewski	Knutson	Neuville	Runbeck
Benson, D.D.	Johnson, D.E.	Laidig	Oliver	Stevens
Benson, J.E.	Johnston	Larson	Pariseau	
Berg	Kiscaden	Lesewski	Robertson	

So the resolution passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 937 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 937: A bill for an act relating to retirement; benefit computation for members of the Bloomington police relief association; amending Minnesota Statutes 1992, sections 353B.07, subdivision 3; and 353B.11, subdivisions 2, 3, 5, and 6.

Mr. Riveness moved to amend S.F. No. 937 as follows:

Page 2, line 8, delete "42" and insert "45"

Page 2, line 12, before the period, insert ", but not to exceed 42 units"

Page 2, after line 12, insert:

"(c) A member receiving a disability benefit as of January 31, 1994, is entitled to receive a monthly benefit during the disabilitant's lifetime while so disabled equal to 39 units."

Page 9, after line 20, insert:

"Sec. 2. Minnesota Statutes 1992, section 353B.08, subdivision 6, is amended to read:

Subd. 6. [DUTY DISABILITY BENEFIT AMOUNT.] (a) The duty disability benefit shall be an amount equal to the service pension amount to which the person would have been entitled if the person had credit for the greater of actual years of allowable service or 20 years of allowable service, had attained the minimum age for the receipt of a service pension, and had applied for a service pension rather than a disability benefit for the former members of the following consolidating relief associations:

- (1) Albert Lea firefighters relief association;
- (2) Albert Lea police relief association;
- (3) Anoka police relief association;
- (4) Austin police relief association;

- (5) Buhl police relief association;
- (6) Chisholm police relief association;
- (7) Duluth police relief association;
- (8) Faribault fire department relief association;
- (9) Mankato police benefit association;
- (10) Minneapolis police relief association;
- (11) New Ulm police relief association;
- (12) Red Wing police relief association;
- (13) St. Paul police relief association;
- (14) South St. Paul police relief association; and
- (15) Virginia police relief association.

(b) The duty disability benefit shall be an amount equal to 48 percent of the salary base for the former members of the following consolidating relief associations:

- (1) Fridley police pension association;
- (2) Richfield police relief association;
- (3) Rochester fire department relief association;
- (4) Rochester police relief association;
- (5) St. Cloud fire department relief association;
- (6) St. Cloud police relief association;
- (7) St. Louis Park police relief association; and
- (8) Winona police relief association.

(c) The duty disability benefit shall be an amount equal to 50 percent of the salary base for the former members of the following consolidating relief associations:

- (1) Austin firefighters relief association;
- (2) Crookston fire department relief association;
- (3) Fairmont police benefit association;
- (4) Mankato fire department relief association;
- (5) Richfield fire department relief association;
- (6) South St. Paul firefighters relief association; and
- (7) Virginia fire department relief association.

(d) The duty disability benefit shall be an amount equal to 45 percent of the salary base for the former members of the following consolidating relief associations:

- (1) Bloomington police relief association; and

(2) Crystal police relief association.

(e) The duty disability benefit shall be an amount equal to 40 percent of the salary base for the former members of the following consolidating relief associations:

(1) West St. Paul firefighters relief association; and

(2) West St. Paul police relief association.

(f) The duty disability benefit shall be the following for the former members of the consolidating relief associations as indicated:

(1) *52 percent of the salary base for former members who were disabled before January 31, 1994, and 48 percent of the salary base for former members who become disabled after January 31, 1994, Bloomington police relief association;*

(2) 40 percent of the top salary for a patrol officer, Brainerd police relief association;

(2) (3) \$100 per month, Chisholm firefighters relief association;

(3) (4) 37.5 percent of the salary base if the person has credit for less than ten years of allowable service, 43.75 percent of the salary base if the person has credit for more than nine years but less than 15 years of allowable service and 50 percent of the salary base if the person has credit for more than 14 years of allowable service credit, Columbia Heights fire department relief association, paid division;

(4) (5) 43.75 percent of the salary base, Columbia Heights police relief association;

(5) (6) 25 percent of the salary base if the person has credit for less than 12 years of allowable service and an additional amount equal to 2.5 percent of the salary base per year if allowable service for each year of allowable service in excess of 11 years of allowable service, not more than 50 percent, Crookston police relief association;

(6) (7) 51.0625 percent of the salary base, Duluth firefighters relief association;

(7) (8) 12.5 percent of the salary base if the person has credit for less than six years of allowable service, 2.5 percent of the salary base per year of allowable service if the person has more than five years of allowable service, but not more than 50 percent of the salary base, Faribault police benefit association;

(8) (9) the dollar amount which equals the benefit which would be payable under chapter 176 for a comparable benefit which qualifies for a workers' compensation benefit for a first class disability, 75 percent of the amount payable in the event of a first class disability for a second class disability and 50 percent of the amount payable in the event of a first class disability for a third class disability, Hibbing firefighters relief association;

(9) (10) \$120 per month, Hibbing police relief association;

(10) (11) 51.25 percent of the salary base for a first class disability, 41.25 percent of the salary base for a second class disability, and 31.25 percent of

the salary base for a third class disability, Minneapolis fire department relief association;

(11) (12) 40 percent of the salary base if the person has credit for less than 20 years of allowable service and two percent of the salary base per year of allowable service if the person has more than 19 years of allowable service, but not more than 50 percent, Red Wing fire department relief association;

(12) (13) 50 percent of the salary base if the person has credit for less than 20 years of allowable service and an amount equal to the service pension amount to which the person would have been entitled based on the applicable amount of allowable service if the person had attained the minimum age for the receipt of a service pension and had applied for a service pension rather than a disability benefit and if the person has credit for at least 20 years of allowable service, St. Louis Park fire department relief association;

(13) (14) 50 percent of the salary base if the person is not able to perform the duties of any other gainful employment, 39.375 percent of the salary base if the person is only able to perform the duties of light manual labor or office employment and 33.75 percent of the salary base if the person is able to perform the duties of other manual labor, St. Paul fire department relief association; and

(14) (15) 42.667 percent of the salary base, Winona fire department relief association."

Page 20, line 2, delete "5" and insert "6"

Renumber the sections of article 2 in sequence

Amend the title as follows:

Page 1, line 5, after the first semicolon, insert "353B.08, subdivision 6;"

The motion prevailed. So the amendment was adopted.

S.F. No. 937 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS – CONTINUED

Ms. Wiener moved that H.F. No. 1063 be taken from the table. The motion prevailed.

H.F. No. 1063: A bill for an act relating to commerce; currency exchanges; changing the date for submission of license renewal applications; amending Minnesota Statutes 1992, section 53A.03.

Mr. Frederickson moved to amend H.F. No. 1063, the unofficial engrossment, as follows:

Page 3, lines 2 and 4, reinstate the stricken language

Page 3, line 3, delete the new language

Page 3, line 6, reinstate the first stricken comma

Page 3, line 7, reinstate the stricken "governor" and delete "commissioner"

Page 3, lines 9 to 11, reinstate the stricken language and delete the new language

Page 3, line 33, reinstate the stricken "governor or the district"

Page 3, line 34, reinstate the stricken "court" and delete "commissioner"

Page 4, lines 5 and 6, reinstate the stricken language and delete the new language

Page 6, line 36, before the period, insert "*, except that a notary may be removed from office only by the governor or the district court*"

The motion prevailed. So the amendment was adopted.

H.F. No. 1063 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 596 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 596: A bill for an act relating to the city of Minneapolis; permitting the city to license certain liquor sales.

Mr. Spear moved to amend S.F. No. 596 as follows:

Page 1, line 10, delete "396" and insert "400" and delete "I" and insert "44"

Page 2, line 8, delete "in continuous"

Page 2, delete line 9

Page 2, line 10, delete everything before "a"

Page 2, line 11, delete "or county"

The motion prevailed. So the amendment was adopted.

Mr. Spear then moved to amend S.F. No. 596 as follows:

Page 2, line 11, delete the second "of" and insert "or"

The motion prevailed. So the amendment was adopted.

Ms. Anderson moved to amend S.F. No. 596 as follows:

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

Page 1, after line 15, insert:

"(b) The city of St. Paul may by ordinance, after a public hearing, issue to a holder of an on-sale alcoholic beverage license for premises located in the downtown business district, an additional license authorizing the licensee to make on-sales between the hours of 1:00 a.m. and 2:00 a.m. and to permit the consumption of alcoholic beverages until at least 3:00 a.m. The license is in addition to the number of licenses authorized by Minnesota Statutes, section 340A.413. The downtown business district includes all that portion of the city of St. Paul lying within and bounded by the following streets: beginning at the intersection of Shepard Road with Chestnut Street, Chestnut Street to Pleasant Avenue, Pleasant Avenue to Kellogg Street, Kellogg Street to Summit Avenue, Summit Avenue to Tenth Street, Tenth Street to Interstate Highway No. 94, Interstate Highway No. 94 to Lafayette Bridge, Lafayette Bridge to where the bridge crosses over Warner Road, Warner Road to Shepard Road, Shepard Road to Chestnut Street."

Page 2, line 16, delete "body" and insert "bodies"

Page 2, line 17, delete "city of Minneapolis complies" and insert "cities of Minneapolis and St. Paul comply"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. McGowan moved to amend S.F. No. 596 as follows:

Page 1, delete lines 5 to 15 and insert:

"Section 1. Minnesota Statutes 1992, section 340A.504, is amended by adding a subdivision to read:

Subd. 2a. [EXTENDED HOURS.] (a) A home rule charter or statutory city may by ordinance authorize on-sale licensees to sell intoxicating liquor for consumption on the licensed premises between the hours of 1:00 a.m. and 2:00 a.m., and to permit the consumption of alcoholic beverages until at least 3:00 a.m. The governing body of the city may refer the ordinance to the voters of the city for approval. The voters of the city may also, by a petition signed by a number equal to at least ten percent of those who voted at the last general election, require that the ordinance be submitted to the voters. The popular

vote may be at a general election or a special election called for the purpose. This subdivision supersedes any inconsistent provision of this chapter."

Page 1, line 16, delete "*Subd. 2. [ORDINANCES.]*" and insert "*(b)*" and delete "*subdivision 1*" and insert "*paragraph (a)*"

Page 1, line 17, delete "*paragraphs (a)*" and insert "*clauses (1)*"

Page 1, line 18, delete "*(b)*" and insert "*(2)*"

Page 1, line 19, delete "*(a)*" and insert "*(1)*"

Page 2, line 2, delete "*(1)*" and insert "*(i)*"

Page 2, line 3, delete "*(2)*" and insert "*(ii)*"

Page 2, line 4, delete "*(3)*" and insert "*(iii)*"

Page 2, line 6, delete "*(4)*" and insert "*(iv)*"

Page 2, line 7, delete "*(5)*" and insert "*(v)*"

Page 2, line 8, delete "*(b)*" and insert "*(2)*"

Page 2, delete section 2

Delete the title and insert:

"A bill for an act relating to liquor; authorizing cities to extend on-sale laws by ordinance; amending Minnesota Statutes 1992, section 340A.504, by adding a subdivision."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 50, as follows:

Those who voted in the affirmative were:

Benson, D.D.	Johnson, D.E.	Larson	Metzen	Samuelson
Bertram	Kiscaden	Lessard	Neuville	Solon
Hanson	Kroening	McGowan	Pariseau	Stevens
Janezich				

Those who voted in the negative were:

Adkins	Cohen	Knutson	Morse	Reichgott
Anderson	Day	Krentz	Murphy	Riveness
Beckman	Dille	Laidig	Novak	Robertson
Belanger	Finn	Langseth	Oliver	Runbeck
Benson, J.E.	Flynn	Lesewski	Olson	Sams
Berg	Frederickson	Luther	Pappas	Spear
Berghin	Hottinger	Marty	Piper	Stumpf
Betzold	Johnson, J.B.	Merriam	Pogemiller	Terwilliger
Chandler	Johnston	Moe, R.D.	Price	Vickerman
Chmielewski	Kelly	Mondale	Ranum	Wiener

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

Mr. Riveness moved to amend S.F. No. 596 as follows:

Page 2, delete section 2 and insert:

"Sec. 2. [BLOOMINGTON; SALES DURING LATE HOURS.]

Subdivision 1. [LICENSES AUTHORIZED.] The city of Bloomington may by ordinance, after a public hearing, issue to a holder of an on-sale alcoholic beverage license, for an establishment the main entrance of which is located

within one mile on either side of the boundaries of marked Interstate Highway No. 494 and marked Interstate Highway No. 35W within the city, an additional license authorizing the licensee to make on-sales between the hours of 1:00 a.m. and 2:00 a.m. and to permit the consumption of alcoholic beverages until at least 3:00 a.m. The license is in addition to the number of licenses authorized by Minnesota Statutes, section 340A.413.

Subd. 2. [ORDINANCES.] An ordinance under subdivision 1 must contain at a minimum the requirements in paragraphs (a) and (b) for holders of licenses under this section.

(a) The licensee must have on duty at all times during the hours when making sales or permitting consumption under the license issued under this section at least one employee, serving or supervising, whom the city or county has certified as having successfully completed a server training program which has been certified by the city or county as providing adequate training for servers in:

- (1) recognizing the signs of intoxication;
- (2) skills in intervention to prevent intoxication;
- (3) knowledge of state laws governing licensee responsibilities;
- (4) knowledge of alcohol effects; and
- (5) methods of avoiding making illegal sales.

(b) The licensee must adopt and maintain in continuous effect during the hours when making sales or permitting consumption under the license authorized under this section a policy, approved by the city or county, of promoting the sale of consumption of food and nonalcoholic beverages at least to the same extent that the licensee promotes the sale or consumption of alcoholic beverages.

Sec. 3. [LOCAL APPROVAL.]

Section 1 is effective on approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021, subdivision 3. Section 2 is effective on approval by the Bloomington city council and compliance with Minnesota Statutes, section 645.021, subdivision 3."

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

Mr. Pogemiller moved to amend S.F. No. 596 as follows:

Page 1, line 10, after the second comma, insert "except east of the Mississippi river,"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 39 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Langseth	Neuville	Price
Beckman	Finn	Larson	Novak	Ranum
Belanger	Hottinger	Marty	Oliver	Robertson
Benson, J.E.	Johnson, D.E.	McGowan	Olson	Runbeck
Berg	Johnson, J.B.	Merriam	Pappas	Stumpf
Chmielewski	Kelly	Moe, R.D.	Pariseau	Vickerman
Cohen	Knutson	Mondale	Piper	Wiener
Day	Laidig	Murphy	Pogemiller	

Those who voted in the negative were:

Adkins	Flynn	Krentz	Metzen	Solon
Berglin	Frederickson	Kroening	Morse	Spear
Bertram	Hanson	Lesewski	Reichgott	Stevens
Betzold	Johnston	Lessard	Riveness	Terwilliger
Chandler	Kiscaden	Luther	Sams	

The motion prevailed. So the amendment was adopted.

Mr. Oliver moved to amend S.F. No. 596 as follows:

Page 1, line 11, delete "*make on-sales*" and insert "*sell nonalcoholic beverages*"

Page 1, line 12, delete "*alcoholic*" and insert "*nonalcoholic*"

CALL OF THE SENATE

Mr. Spear imposed a call of the Senate for the balance of the proceedings on S.F. No. 596. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 31 and nays 32, as follows:

Those who voted in the affirmative were:

Beckman	Dille	Knutson	Neuville	Stevens
Belanger	Finn	Laidig	Oliver	Terwilliger
Benson, D.D.	Frederickson	Larson	Olson	Vickerman
Benson, J.E.	Johnson, D.E.	Lesewski	Pariseau	
Berg	Johnson, J.B.	Luther	Price	
Chmielewski	Johnston	McGowan	Robertson	
Day	Kiscaden	Merriam	Sams	

Those who voted in the negative were:

Adkins	Flynn	Lessard	Pappas	Solon
Anderson	Hanson	Marty	Piper	Spear
Berglin	Hottinger	Metzen	Pogemiller	Stumpf
Bertram	Janezich	Mondale	Ranum	Wiener
Betzold	Kelly	Morse	Reichgott	
Chandler	Krentz	Murphy	Riveness	
Cohen	Kroening	Novak	Runbeck	

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

Mr. Price moved to amend S.F. No. 596 as follows:

Page 2, after line 14, insert:

"(c) A person showing evidence of intoxication on the licensed premises shall be provided transportation to their place of residence within the city or in the case of a nonresident, a hotel or motel accommodation, at the expense of the city."

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Belanger	Finn	Larson	Neuville	Runbeck
Benson, D.D.	Frederickson	Lesewski	Novak	Stevens
Benson, J.E.	Johnson, D.E.	Marty	Oliver	Terwilliger
Berg	Johnston	McGowan	Olson	Vickerman
Chmielewski	Kiscaden	Merriam	Pariseau	
Day	Knutson	Morse	Price	
Dille	Laidig	Murphy	Robertson	

Those who voted in the negative were:

Adkins	Cohen	Kroening	Pappas	Solon
Anderson	Flynn	Langseth	Piper	Spear
Beckman	Hanson	Lessard	Pogemiller	Stumpf
Berglin	Hottinger	Luther	Ranum	Wiener
Bertram	Janezich	Metzen	Reichgott	
Betzold	Johnson, J.B.	Moe, R.D.	Riveness	
Chandler	Krentz	Mondale	Sams	

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

S.F. No. 596 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 19 and nays 45, as follows:

Those who voted in the affirmative were:

Adkins	Janezich	Metzen	Pogemiller	Spear
Anderson	Kelly	Morse	Riveness	Stumpf
Berglin	Krentz	Pappas	Runbeck	Wiener
Cohen	Lessard	Piper	Solon	

Those who voted in the negative were:

Beckman	Dille	Kiscaden	McGowan	Pariseau
Belanger	Finn	Knutson	Merriam	Price
Benson, D.D.	Flynn	Kroening	Moe, R.D.	Ranum
Benson, J.E.	Frederickson	Laidig	Mondale	Reichgott
Bertram	Hanson	Langseth	Murphy	Robertson
Betzold	Hottinger	Larson	Neuville	Sams
Chandler	Johnson, D.E.	Lesewski	Novak	Stevens
Chmielewski	Johnson, J.B.	Luther	Oliver	Terwilliger
Day	Johnston	Marty	Olson	Vickerman

So the bill, as amended, failed to pass.

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 and Second Reading of Senate 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. 1105: A bill for an act relating to health; extending the expiration date of certain advisory councils and committees; modifying provisions relating to lead abatement; changing regulation provisions for hotels, resorts, restaurants, and manufactured homes; providing penalties; amending Minne-

sota Statutes 1992, sections 15.059, subdivision 5; 144.73, subdivision 3; 144.871, subdivisions 2, 6, 7a, and by adding subdivisions; 144.872, subdivision 2; 144.873, subdivision 2; 144.874, subdivisions 1, 3, 4, and 6; 144.878, subdivisions 2 and 5; 157.01, subdivision 1; 157.03; 157.08; 157.081, subdivision 1; 157.09; 157.12; 157.14; 245.97, subdivision 6; 327.10; 327.11; 327.16, subdivision 5; 327.20, subdivision 1; 327.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 144; and 157; repealing Minnesota Statutes 1992, sections 144.8721; 144.874, subdivision 10; 144.878, subdivision 2a; and 157.05, subdivisions 2 and 3.

Senate File No. 1105 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 1993

Mr. Betzold moved that the Senate do not concur in the amendments by the House to S.F. No. 1105, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 454:

H.F. No. 454: A bill for an act relating to economic development; requiring a summary of performance measures for business loan or grant programs from the department of trade and economic development; amending Minnesota Statutes 1992, section 116J.58, subdivision 1.

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

Clark, Smith, and Jaros have been appointed as such committee on the part of the House.

House File No. 454 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 May 6, 1993

Ms. Runbeck moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 454, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

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. 891 and 553. The motion prevailed.

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

S.F. No. 891: A bill for an act relating to labor; requiring arbitration in certain circumstances; establishing procedures; providing penalties; amending Minnesota Statutes 1992, sections 179.06, by adding a subdivision; and 179A.16, subdivision 3, and by adding a subdivision.

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

S.F. No. 553: A bill for an act relating to retirement; teachers retirement association; providing for the consolidation of the St. Paul teachers retirement fund association; making conforming amendments; amending Minnesota Statutes 1992, sections 3.85, subdivisions 11 and 12; 354.05, subdivisions 2 and 13; 354A.011, subdivisions 8 and 15a; 354A.021, subdivision 1; 354A.092; 354A.093; 354A.095; 354A.096; 354A.12, subdivisions 1, 2, 2a, and 2b; 354A.23, subdivision 1; 354A.30; 354A.32, subdivision 1; 354A.39; 354A.40, subdivision 1; 354A.41; 356.20, subdivision 2; 356.215, subdivision 2; 356.30, subdivision 3; 356.302, subdivision 7; 356.303, subdivision 4; 356.32, subdivision 2; 356.35, subdivisions 2 and 5; 356.36, subdivision 1; 356.86, subdivisions 1, 2, and 3; Laws 1965, chapter 705, section 1, subdivision 4; Laws 1989, chapter 319, article 13, section 94; Laws 1990, chapter 570, article 7, section 4; and Laws 1992, chapter 598, articles 5, section 2; and 6, section 18; repealing Minnesota Statutes 1992, sections 354A.23, subdivision 2; 355.201; 355.202; 355.203; 355.204; 355.205; 355.206; 355.207; 355.208; 355.209; Laws 1976, chapter 238, section 14; Laws 1977, chapter 429, sections 60 and 61; Laws 1979, chapter 109; Laws 1981, chapter 157; Laws 1985, chapter 259, section 3; Laws 1987, chapter 372, article 7, section 6; Laws 1988, chapter 709, article 8, section 8; Laws 1990, chapter 570, article 7, section 3; and Laws 1991, chapter 67.

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 354A.12, subdivision 2, is amended to read:

Subd. 2. [RETIREMENT CONTRIBUTION LEVY DISALLOWED.] *Except as provided in subdivision 3b, paragraph (d), with respect to special school district No. 1, notwithstanding any law to the contrary, levies for teachers retirement fund associations in cities of the first class, including levies for any employer social security taxes for teachers covered by the Duluth teachers retirement fund association or the Minneapolis teachers retirement fund association or the St. Paul teachers retirement fund association, are disallowed.*

Sec. 2. Minnesota Statutes 1992, section 354A.12, subdivision 2a, is amended to read:

Subd. 2a. [EMPLOYER REGULAR AND ADDITIONAL CONTRIBUTION RATES.] (a) The employing units shall make the following employer contributions to teachers retirement fund associations:

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

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

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

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

Minneapolis teachers retirement fund association	8.50 percent
St. Paul teachers retirement fund association	8.00 percent

(4) for a basic member of a teachers retirement fund association in a city of the first class, the employing unit shall make an additional employer contribution to the respective fund in an amount equal to the designated percentage of the salary of the basic member, as provided below:

Minneapolis teachers retirement fund association	
July 1, 1993 - June 30, 1994	4.85 percent
July 1, 1994, and thereafter	3.64 percent
St. Paul teachers retirement fund association	
July 1, 1993 - June 30, 1995	4.63 percent
July 1, 1995, and thereafter	3.64 percent

(5) for a coordinated member of a teachers retirement fund association in a city of the first class, the employing unit shall make an additional employer contribution to the respective fund in an amount equal to the applicable percentage of the coordinated member's salary, as provided below:

Duluth teachers retirement fund association	1.29 percent
Minneapolis teachers retirement fund association	
July 1, 1992 - June 30, 1993	0.00 percent
July 1, 1993, and thereafter	1.00
July 1, 1993 - June 30, 1994	0.50 percent
July 1, 1994, and thereafter	3.64 percent
St. Paul teachers retirement fund association	
July 1, 1992 - June 30, 1993	0.00 percent
July 1, 1993, and thereafter	1.00
July 1, 1993 - June 30, 1994	0.5 percent
July 1, 1994 - June 30, 1995	1.50 percent
July 1, 1995, and thereafter	3.64 percent

(b) For basic members of the Minneapolis teachers retirement fund association and the St. Paul teachers retirement fund association who retire on or after July 1, 1993, the employing unit shall continue to make an additional employer contribution to the retirement fund in an amount equal to the average salary of the employing unit's basic members multiplied by the relevant percentages in paragraph (a), clause (4).

(c) The regular and additional employer contributions must be remitted directly to the respective teachers retirement fund association each month.

(d) (c) Payments of regular and additional employer contributions for school district or technical college employees who are paid from normal operating funds must be made from the appropriate fund of the district or technical college.

Sec. 3. Minnesota Statutes 1992, section 354A.12, is amended by adding a subdivision to read:

Subd. 3a. [SPECIAL DIRECT STATE AID TO ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION.] (a) The state shall pay to the St. Paul teachers retirement fund association \$500,000 in fiscal year 1994. In each subsequent fiscal year, the payment to the St. Paul teachers retirement fund association must be increased at the same rate as the increase in the general education aids formula in subsequent fiscal years.

(b) The direct state aid is payable October 1 annually. The commissioner of education shall pay the direct state aid. The amount required under this subdivision is appropriated annually to the commissioner of education.

Sec. 4. Minnesota Statutes 1992, section 354A.12, is amended by adding a subdivision to read:

Subd. 3b. [SPECIAL DIRECT STATE MATCHING AID TO THE MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION.] (a) Special school district No. 1 may make an additional employer contribution to the Minneapolis teachers retirement fund association. The city of Minneapolis may make a contribution to the Minneapolis teachers retirement fund association. This contribution may be made by a levy of the board of estimate and taxation of the city of Minneapolis, and the levy, if made, is classified as that of a special taxing district for purposes of section 275.065.

(b) For every \$1,000 contributed in equal proportion by special school district No. 1 and by the city of Minneapolis to the Minneapolis teachers retirement fund association under paragraph (a), the state shall pay to the Minneapolis teachers retirement fund association \$1,000, but not to exceed \$2,500,000 in total in fiscal year 1994. The total amount available for each subsequent fiscal year must be increased at the same rate as the increase in the general education aids formula in subsequent fiscal years. The superintendent of special school district No. 1, the mayor of the city of Minneapolis, and the executive director of the Minneapolis teachers retirement fund association shall jointly certify to the commissioner of education the total amount that has been contributed by special school district No. 1 and by the city of Minneapolis to the Minneapolis teachers retirement fund association. Any certification to the commissioner of education must be made quarterly. If the total certifications for a fiscal year exceed the maximum annual direct state matching aid amount in any quarter, the amount of direct state matching aid payable to the Minneapolis teachers retirement fund association must be

limited to the balance of the maximum annual direct state matching aid amount available. The amount required under this paragraph, subject to the maximum direct state matching aid amount, is appropriated annually to the commissioner of education.

(c) The commissioner of education may prescribe the form of the certifications required under paragraph (b).

(d) In the calendar year next following the making of a contribution under paragraph (a), special school district No. 1 may levy a tax over the taxable property of the school district equal to the amount of the contribution to the Minneapolis teachers retirement fund association to reimburse itself for the amount of the additional retirement contribution under paragraph (b) previously made from other revenue sources.

Sec. 5. Minnesota Statutes 1992, section 354A.12, is amended by adding a subdivision to read:

Subd. 3c. [TERMINATION OF DIRECT STATE MATCHING AID.] (a) The direct state aid under subdivision 3a to the St. Paul teachers retirement association and the direct state aid under subdivision 3b to the Minneapolis teachers retirement fund association terminates for the respective fund at the end of the fiscal year in which the accrued liability funding ratio for that fund, as determined in the most recent actuarial report for that fund by the actuary retained by the legislative commission on pensions and retirement, equals or exceeds the accrued liability funding ratio for the teachers retirement association, as determined in the most recent actuarial report for the teachers retirement association by the actuary retained by the legislative commission on pensions and retirement.

(b) If the state aid is terminated for the St. Paul teachers retirement fund association or the Minneapolis teachers retirement fund association under paragraph (a), it may not again be received by that fund.

Sec. 6. Minnesota Statutes 1992, section 354A.12, is amended by adding a subdivision to read:

Subd. 3d. [SUPPLEMENTAL ADMINISTRATIVE EXPENSE ASSESSMENT.] (a) The active and retired membership of the Minneapolis teachers retirement fund association and of the St. Paul teachers retirement fund association is responsible for defraying supplemental administrative expenses other than investment expenses of the respective teacher retirement fund association.

(b) Investment expenses of the teachers retirement fund association are those expenses incurred by or on behalf of the retirement fund in connection with the investment of the assets of the retirement fund other than investment security transaction costs. Other administrative expenses are all expenses incurred by or on behalf of the retirement fund for all other retirement fund functions other than the investment of retirement fund assets. Investment and other administrative expenses must be accounted for using generally accepted accounting principles and in a manner consistent with the comprehensive annual financial report of the teachers retirement fund association for the immediately previous fiscal year under section 356.20.

(c) Supplemental administrative expenses other than investment expenses of a first class city teacher retirement fund association are those expenses for the fiscal year that exceed the amount computed by applying the most recent

percentage of pay administrative expense amount, other than investment expenses, for the teachers retirement association governed by chapter 354 to the covered payroll of the respective teachers retirement fund association for the fiscal year.

(d) The board of trustees of each first class city teachers retirement fund association shall allocate the total dollar amount of supplemental administrative expenses other than investment expenses among the various active and retired membership groups of the teachers retirement fund association and shall assess the various membership groups their respective share of the supplemental administrative expenses other than investment expenses, in amounts determined by the board of trustees. The supplemental administrative expense assessments must be paid by the membership group in a manner determined by the board of trustees of the respective teachers retirement association.

(e) The supplemental administrative expense assessments must be deposited in the applicable teachers retirement fund upon receipt.

(f) Any omitted active membership group assessments that remain undeducted and unpaid to the teachers retirement fund association for 90 days must be paid by the respective school district. The school district may recover any omitted active membership group assessment amounts that it has previously paid. The teachers retirement fund association shall deduct any omitted retired membership group assessment amounts from the benefits next payable after the discovery of the omitted amounts.

Sec. 7. [354A.28] [MODIFICATION IN MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION POST RETIREMENT ADJUSTMENT.]

Subdivision 1. [POST RETIREMENT ADJUSTMENT MODIFICATION.] Any post retirement adjustment payable from the Minneapolis teachers retirement fund association after June 1, 1993, must be modified as provided in this section.

Subd. 2. [ESTABLISHMENT.] The Minneapolis teachers retirement fund association shall establish an annuity reserve fund for providing an investment vehicle for the reserves for various retirement annuities and benefits payable by the fund.

Subd. 3. [ASSETS.] The assets of the annuity reserve fund consist of the money representing the actuarially determined required reserves for various retirement annuities and benefits payable by the Minneapolis teachers retirement fund association.

Subd. 4. [MANAGEMENT.] The Minneapolis teachers retirement fund association annuity reserve fund must be managed by the board of trustees of the Minneapolis teachers retirement fund association.

Subd. 5. [INVESTMENT.] The assets of the annuity reserve fund must be invested, reinvested, and retained in the discretion of the board of trustees of the Minneapolis teachers retirement fund association in authorized investments under section 11A.24.

Subd. 6. [ALLOCATION OF ASSETS.] No later than the last business day of the month in which the benefit payment begins, the board of trustees of the

Minneapolis teachers retirement fund association shall determine the reserves to be allocated to the respective annuity reserve fund in the following manner:

(1) the present value of the benefit payable to the annuitant or benefit recipient must be determined using the postretirement earnings assumptions specified for the first class city teachers retirement funds in section 356.215; and the mortality table applicable to the fund; and

(2) the amount determined in clause (1) must be multiplied by the funding ratio of the teachers retirement fund association determined for the previous fiscal year end, and the product must be identified as the amount allocated to the annuity reserve fund.

Subd. 7. [WITHDRAWAL OF MONEY.] If the executive director of the Minneapolis teachers retirement fund association concludes that money is required for the payment of retirement annuities or benefits, the executive director shall sell sufficient securities in the reserve fund or transfer available cash to pay benefits.

Subd. 8. [CALCULATION OF POSTRETIREMENT ADJUSTMENTS.] (a) Annually, after June 30, the board of trustees of the Minneapolis teachers retirement fund association shall use the procedures in this subdivision and subdivision 9 to determine the amount of any postretirement adjustment. The authority to pay the automatic two percent annual postretirement increase as specified in the articles and bylaws continues.

Subd. 9. [ADDITIONAL INCREASE.] (a) In addition to the postretirement increases granted under subdivision 8, an additional percentage increase must be computed and paid under this subdivision.

(b) The board of trustees shall determine the number of annuities or benefit recipients who have been receiving an annuity or benefit for at least 12 months as of the current June 30. These recipients are entitled to receive the surplus investment earnings additional postretirement increase.

(c) Annually, on June 30, the board of trustees of the teachers retirement fund association shall determine the amount of reserves in the annuity reserve fund as specified in subdivision 6.

(d) Annually, on June 30, the board of trustees of the Minneapolis teachers retirement fund association shall determine the five-year annualized rate of return attributable to the assets in the annuity reserve fund under the formula or formulas specified in section 11A.04, clause (11).

(e) The board of trustees shall determine the amount of excess five-year annualized rate of return over the preretirement interest assumption as specified in section 356.215.

(f) The additional increase must be determined by multiplying the quantity one minus the rate of contribution deficiency, as specified in the most recent actuarial report of the actuary retained by the legislative commission on pensions and retirement, times the rate of return excess as determined in paragraph (e).

(g) The additional increase is payable to all eligible annuitants or benefit recipients on January 1 following the June 30 determination date under paragraphs (c) and (d).

Sec. 8. [354A.29] [MODIFICATION IN THE ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION POST RETIREMENT ADJUSTMENT.]

Subdivision 1. [POST RETIREMENT ADJUSTMENT MODIFICATION.] Any post retirement adjustment payable from the St. Paul teachers retirement fund association after June 1, 1993, must be modified as provided in this section.

Subd. 2. [ESTABLISHMENT.] The St. Paul teachers retirement fund association shall establish an annuity reserve fund for providing an investment vehicle for the reserves for various retirement annuities and benefits payable by the fund.

Subd. 3. [ASSETS.] The assets of the annuity reserve fund must consist of the money representing the actuarially determined required reserves for various retirement annuities and benefits payable by the St. Paul teachers retirement fund association.

Subd. 4. [MANAGEMENT.] The St. Paul teachers retirement fund association annuity reserve fund must be managed by the board of trustees of the St. Paul teachers retirement fund association.

Subd. 5. [INVESTMENT.] The assets of the annuity reserve fund must be invested, reinvested, and retained in the discretion of the board of trustees of the St. Paul teachers retirement fund association in authorized investments under section 11A.24.

Subd. 6. [ALLOCATION OF ASSETS.] No later than the last business day of the month in which the benefit payment begins, the board of trustees of the St. Paul teachers retirement fund association shall determine the reserves to be allocated to the respective annuity reserve fund in the following manner:

(1) the present value of the benefit payable to the annuitant or benefit recipient must be determined using the postretirement earnings assumptions specified for the first-class city teachers retirement funds in section 356.215, and the mortality table applicable to the fund; and

(2) the amount determined in clause (1) must be multiplied by the funding ratio of the St. Paul teachers retirement fund association determined for the previous fiscal year end, and the product must be identified as the amount allocated to the annuity reserve fund.

Subd. 7. [WITHDRAWAL OF MONEY.] If the executive secretary of the St. Paul teachers retirement fund association concludes that money is required for the payment of retirement annuities or benefits, the executive secretary or director shall sell sufficient securities in the reserve fund or transfer available cash to pay benefits.

Subd. 8. [CALCULATION OF POSTRETIREMENT ADJUSTMENTS.] (a) Annually, following June 30, the board of trustees of the St. Paul teachers retirement fund association shall use the procedures in this subdivision and subdivision 9 to determine the amount of any postretirement adjustment. An amount equal to two percent of the market value of the annuity reserve fund must be allocated to pay the lump sum postretirement adjustment in the manner specified in the articles and bylaws of the association of the St. Paul teachers retirement fund association in effect on the effective date of this section applicable to the 13th check.

Subd. 9. [ADDITIONAL INCREASE.] (a) In addition to the postretirement increases granted under subdivision 8, an additional percentage increase must be computed and paid under this subdivision.

(b) The board of trustees shall determine the number of annuities or benefit recipients who have been receiving an annuity or benefit for at least 12 months as of the current June 30. These recipients are entitled to receive the surplus investment earnings additional postretirement increase.

(c) Annually, on June 30, the board of trustees of the St. Paul teachers retirement fund association shall determine the amount of reserves in the annuity reserve fund as specified in subdivision 6.

(d) Annually, on June 30, the board of trustees of the St. Paul teachers retirement fund association shall determine the five-year annualized rate of return attributable to the assets in the annuity reserve fund under the formula or formulas specified in section 11A.04, clause (11).

(e) The board of trustees shall determine the amount of excess five-year annualized rate of return over the preretirement interest assumption as specified in section 356.215.

(f) The additional increase must be determined by multiplying the quantity one minus the rate of contribution deficiency, as specified in the most recent actuarial report of the actuary retained by the legislative commission on pensions and retirement, times the rate of return excess as determined in paragraph (e).

(g) The additional increase is payable to all eligible annuitants or benefit recipients on January 1 following the June 30 determination date under paragraphs (c) and (d).

Sec. 9. Laws 1959, chapter 462, section 3, subdivision 4, is amended to read:

Subd. 4. The school district shall contract with the City of Minneapolis for such facilities and necessary services as are furnished by the Civil Service Commission, and ~~unless the Board of Education and city governing body each adopts a resolution declaring that a particular function would be most efficiently and effectively handled separately,~~ the board shall may contract on a pro-rata cost basis with the city for such facilities and services as are provided by the Purchasing Department, comptroller, treasurer, legal department, City Planning Commission, and other services supplied by such city, provided, however, that the board may contract for other legal services when the interest of the school district and the city are in conflict in any legal matter.

Sec. 10. [STUDY OF TEACHERS RETIREMENT FUND ASSOCIATIONS PHASE-OUT OR CONSOLIDATION OPTIONS.]

(a) The legislative commission on pensions and retirement shall study the options available for phasing-out or consolidating the first class city teacher retirement fund associations. The commission shall report its conclusions by February 1, 1994, to the chairs of the committee on governmental operations and reform of the senate, the committee on finance of the senate, the committee on governmental operations and gambling of the house of representatives, and the committee on ways and means of the house of representatives.

(b) The legislative commission on pensions and retirement shall establish a technical advisory group for the study composed of the commission staff, the directors of the first class city teacher retirement funds, a representative of the teacher bargaining unit of the respective school districts, a representative of each school district, and a representative of the department of finance. Each bargaining unit and school district shall notify the chair of the legislative commission on pensions and retirement of its designation of a representative.

(c) The executive director of the teachers retirement association and an employee representative to be selected by the board of the teachers retirement association must be members of the technical advisory group in paragraph (b). The board shall notify the chair of the legislative commission on pensions and retirement of its designation of an employee representative.

Sec. 11. [REPEALER.]

Laws 1987, chapter 372, article 3, section 1, is repealed.

Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 5, 8, 10, and 11 are effective on July 1, 1993. Sections 6 and 7 are effective for the Minneapolis teachers retirement fund association the day following first receipt of contributions from special school district No. 1, the city of Minneapolis, and matching state contributions under section 4. Section 6 is effective for the St. Paul teachers retirement fund association on July 1, 1993. Section 9 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to retirement; Minneapolis and St. Paul teacher retirement fund associations; providing additional funding from various sources; assessing active and retired members for certain teacher retirement fund associations supplemental administrative expenses; modifying certain post retirement adjustments; authorizing contributions by the city of Minneapolis; appropriating money; authorizing certain tax levies by special school district No. 1; amending Minnesota Statutes 1992, sections 354A.12, subdivisions 2, 2a, and by adding subdivisions; and Laws 1959, chapter 462, section 3, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 354A; repealing Laws 1987, chapter 372, article 3, section 1."

And when so amended 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. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred.

S.F. No. 529: A bill for an act relating to metropolitan government; requiring the metropolitan council to adopt rules allocating comprehensive choice housing among cities and towns in the metropolitan area; requiring metropolitan council review of city's and town's efforts to comply with the allocation; establishing penalties for noncompliance; proposing coding for new law in Minnesota Statutes, chapters 16A; and 473.

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

SECOND READING OF SENATE BILLS

S.F. No. 529 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Novak moved that H.F. No. 671 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 529, now on General Orders. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Kelly, Ms. Reichgott, Kiscaden and Mr. Day introduced—

S.F. No. 1628: A bill for an act relating to courts; juvenile courts; requiring reasonable efforts by a parent, guardian, or custodian in various circumstances; amending Minnesota Statutes 1992, sections 260.171, subdivision 1; 260.172, subdivision 1; and 260.221, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 260.

Referred to the Committee on Judiciary.

MEMBERS EXCUSED

Mr. Johnson, D.J. was excused from the Session of today. Ms. Berglin and Wiener were excused from the Session of today from 8:30 to 9:00 a.m. Messrs. Laidig and Lessard were excused from the Session of today from 8:30 to 9:15 a.m. Ms. Olson was excused from the Session of today from 8:30 to 9:30 a.m. and 1:30 to 1:45 p.m. Mr. Novak was excused from the Session of today from 8:30 to 9:30 a.m. Mr. Janezich, Ms. Krentz and Pappas were excused from the Session of today from 8:30 to 10:00 a.m. Mr. Mondale was excused from the Session of today from 8:30 to 9:40 a.m. Mr. Cohen was excused from the Session of today from 8:30 to 10:15 a.m. Mr. Beckman was excused from the Session of today from 8:30 to 10:30 a.m. Mr. Pogemiller was excused from the Session of today from 8:30 to 11:15 a.m. Mr. Terwilliger was excused from the Session of today from 11:30 a.m. to 1:30 p.m. Mr. Lessard was excused from the Session of today from 11:30 a.m. to 12:00 noon. Mr. Price was excused from the Session of today from 12:15 to 12:45 p.m. Mr. Johnson, D.E. was excused from the Session of today from 12:30 to 1:00 p.m. Mr. Bertram was excused from the Session of today from 11:20 to 11:45 a.m. Mr. Samuelson was excused from the Session of today at 12:00 noon. Ms. Hanson was excused from the Session of today from 1:20 to 2:00 p.m. Mr. Kelly, Ms. Anderson and Johnson, J.B. were excused from the Session of today from 11:00 a.m. to 12:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Friday, May 7, 1993. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate