

FIFTY-SIXTH DAY

St. Paul, Minnesota, Tuesday, May 11, 1993

The Senate met at 9:30 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 Senator Pat Piper.

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.

May 7, 1993

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 44, 240, 561, 699, 754, 840, 913, 1006, 1602 and 487.

Warmest regards,
Arne H. Carlson, Governor

May 10, 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
	977	95	2:42 p.m. May 7	May 7
	522	96	2:41 p.m. May 7	May 7
913		97	2:50 p.m. May 7	May 7
561		98	2:47 p.m. May 7	May 7
699		99	2:46 p.m. May 7	May 7
1602		100	2:54 p.m. May 7	May 7
754		101	2:48 p.m. May 7	May 7
840		102	2:49 p.m. May 7	May 7
1006		103	2:51 p.m. May 7	May 7
240		105	2:45 p.m. May 7	May 7
	139	106	2:40 p.m. May 7	May 7
487		107	3:20 p.m. May 7	May 7
44		108	2:44 p.m. May 7	May 7

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. 739, 639 and 1087.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 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. 1380: A bill for an act relating to commerce; regulating heavy and utility equipment dealership agreements; including truck parts within the scope of coverage; defining terms; amending Minnesota Statutes 1992, section 325E.068, subdivision 2, and by adding subdivisions.

Senate File No. 1380 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1993

CONCURRENCE AND REPASSAGE

Mr. Janezich moved that the Senate concur in the amendments by the House to S.F. No. 1380 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1380 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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 490: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited land that borders public water in Washington county to the city of Oakdale.

Senate File No. 490 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1993

CONCURRENCE AND REPASSAGE

Mr. Price moved that the Senate concur in the amendments by the House to S.F. No. 490 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 490: A bill for an act relating to state lands; authorizing the sale of

certain tax-forfeited land that borders public water in Washington county to the city of Oakdale; authorizing the conveyance of an easement across department of natural resources-fisheries land.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 174: A bill for an act relating to commerce; regulating facsimile transmission of unsolicited advertising materials; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 325E.

Senate File No. 174 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1993

CONCURRENCE AND REPASSAGE

Ms. Reichgott moved that the Senate concur in the amendments by the House to S.F. No. 174 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 174 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 464: A bill for an act relating to game and fish; color of outer clothing required in firearms deer zones; amending Minnesota Statutes 1992, section 97B.071.

Senate File No. 464 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1993

CONCURRENCE AND REPASSAGE

Mr. Sams moved that the Senate concur in the amendments by the House to S.F. No. 464 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 464 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 56 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson, D.D. Berg Chmielewski Frederickson Vickerman

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. 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; modifying bond provisions; 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, subdivisions 1 and 4; 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.

Senate File No. 694 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1993.

Mr. Marty moved that the Senate do not concur in the amendments by the House to S.F. No. 694, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1400: A bill for an act relating to Nobles and Murray counties; permitting the consolidation of the offices of auditor and treasurer.

Senate File No. 1400 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1993

CONCURRENCE AND REPASSAGE

Mr. Vickerman moved that the Senate concur in the amendments by the House to S.F. No. 1400 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1400 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 53 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson, D.D.	Dille	Frederickson	Merriam	Sams
Bertram	Finn	Laidig		

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. 361: A bill for an act relating to public safety; extending existence of Minnesota advisory council on fire protection systems; amending Minnesota Statutes 1992, section 299M.02, subdivision 1.

Senate File No. 361 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1993

CONCURRENCE AND REPASSAGE

Mr. Murphy moved that the Senate concur in the amendments by the House to S.F. No. 361 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 361: A bill for an act relating to public safety; extending existence of Minnesota advisory council on fire protection systems; providing for gender balance on the council; amending Minnesota Statutes 1992, section 299M.02, subdivisions 1 and 2.

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 49 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Krentz	Moe, R.D.	Riveness
Benson, D.D.	Finn	Kroening	Mondale	Runbeck
Berg	Flynn	Laidig	Morse	Sams
Berglin	Frederickson	Langseth	Murphy	Samuelson
Bertram	Hanson	Lessard	Novak	Spear
Betzold	Hottinger	Luther	Oliver	Stumpf
Chandler	Janezich	Marty	Piper	Terwilliger
Chmielewski	Johnson, D.J.	McGowan	Price	Vickerman
Cohen	Johnson, J.B.	Merriam	Ranum	Wiener
Day	Knutson	Metzen	Reichgott	

Those who voted in the negative were:

Adkins	Johnson, D.E.	Larson	Olson	Stevens
Belanger	Johnston	Lesewski	Pariseau	
Benson, J.E.	Kiscaden	Neuville	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. 273: A bill for an act relating to highways; changing description of legislative Route No. 279 in state trunk highway system after agreement to transfer part of old route to Dakota county.

Senate File No. 273 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1993

CONCURRENCE AND REPASSAGE

Mr. Knutson moved that the Senate concur in the amendments by the House to S.F. No. 273 and that the bill be placed on its repassage as amended.

Mr. Merriam moved that the Senate do not concur in the amendments by the House to S.F. No. 273, 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 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. 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; 353B.08, subdivision 6; and 353B.11, subdivisions 2, 3, 5, and 6.

Senate File No. 937 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1993

CONCURRENCE AND REPASSAGE

Mr. Riveness moved that the Senate concur in the amendments by the House to S.F. No. 937 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 937 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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 House Files, herewith transmitted: H.F. Nos. 1149, 777 and 1529.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 10, 1993

FIRST READING OF HOUSE BILLS

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

H.F. No. 1149: A bill for an act relating to the agricultural finance authority; authorizing direct loans and participations; increasing the dollar limit;

amending Minnesota Statutes 1992, sections 41B.02, by adding a subdivision; and 41B.043.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 861, now on General Orders.

H.F. No. 777: A bill for an act relating to consumers; requiring certain disclosures when consumer reports are used for employment purposes; providing for access to consumer reports; amending Minnesota Statutes 1992, section 13C.01, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 13C; repealing Minnesota Statutes 1992, section 13C.01, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 612, now on General Orders.

H.F. No. 1529: A bill for an act relating to state government; reviewing the possible reorganization and consolidation of agencies and departments with environmental and natural resource functions; creating a legislative task force; requiring establishment of worker participation committees before possible agency restructuring.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1, now on General Orders.

REPORTS OF COMMITTEES

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

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

H.F. No. 1499 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.
1499	1311				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1499 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1499 and insert the language after the enacting clause of S.F. No. 1311, the first engrossment; further, delete the title of H.F. No. 1499 and insert the title of S.F. No. 1311, the first engrossment.

And when so amended H.F. No. 1499 will be identical to S.F. No. 1311, and further recommends that H.F. No. 1499 be given its second reading and substituted for S.F. No. 1311, 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. 1138 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.
1138	908				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1138 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1138 and insert the language after the enacting clause of S.F. No. 908, the second engrossment; further, delete the title of H.F. No. 1138 and insert the title of S.F. No. 908, the second engrossment.

And when so amended H.F. No. 1138 will be identical to S.F. No. 908, and further recommends that H.F. No. 1138 be given its second reading and substituted for S.F. No. 908, 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. 1247 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.
1247	867				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1247 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1247 and insert the language after the enacting clause of S.F. No. 867, the fourth engrossment; further, delete the title of H.F. No. 1247 and insert the title of S.F. No. 867, the fourth engrossment.

And when so amended H.F. No. 1247 will be identical to S.F. No. 867, and further recommends that H.F. No. 1247 be given its second reading and substituted for S.F. No. 867, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. Nos. 1499, 1138 and 1247 were read the second time.

MOTIONS AND RESOLUTIONS

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 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. 306: A bill for an act relating to state government; appointments of department heads and members of administrative boards and agencies; clarifying procedures and requirements; amending Minnesota Statutes 1992, sections 15.0575, subdivision 4; 15.06, subdivision 5; and 15.066, subdivision 2.

Senate File No. 306 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1993

Mr. Metzen moved that the Senate do not concur in the amendments by the House to S.F. No. 306, 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 has adopted the recommendation and report of the Conference Committee on House File No. 546, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 546 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 8, 1993

CONFERENCE COMMITTEE REPORT ON H.F. NO. 546

A bill for an act relating to outdoor recreation; prohibiting motor sports areas within the Dorer Memorial Hardwood Forest without county and township board approval.

May 7, 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. 546, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 546 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [84.93] [LAND USE FOR CERTAIN VEHICLES RESTRICTED.]

After June 1, 1993, the commissioner may not allow the use of state lands or acquire private lands for development or operation of a motor sports area for use by all-terrain vehicles, motorcycles, or four-wheel drive trucks without legislative approval. This restriction does not apply to recreational trails.

Sec. 2. [89.025] [DORER MEMORIAL HARDWOOD FOREST; LAND USE RESTRICTED.]

After June 1, 1993, the commissioner may not allow the use of additional state forest lands within the boundaries of the Richard J. Dorer Memorial Hardwood State Forest for development or operation of a motor sports area for use by all-terrain vehicles, motorcycles, or four-wheel drive trucks without legislative approval. This restriction does not apply to recreational trails.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to outdoor recreation; requiring legislative approval of development or operation of motor sports areas by commissioner of natural resources; prohibiting motor sports areas within the Dorer Memorial Hardwood Forest; proposing coding for new law in Minnesota Statutes, chapters 84 and 89.”

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

House Conferees: (Signed) Bob Waltman, Willard Munger, Sidney Pauly

Senate Conferees: (Signed) Steve L. Murphy, Steven Morse, Sheila M. Kiscaden

Mr. Murphy moved that the foregoing recommendations and Conference Committee Report on H.F. No. 546 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. 546 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 58 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Benson, J.E.	Merriam	Riveness	Wiener
----------	--------------	---------	----------	--------

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 643, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 643 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 7, 1993

CONFERENCE COMMITTEE REPORT ON H.F. NO. 643

A bill for an act relating to commerce; making technical changes in the department's enforcement powers; regulating cosmetology; prescribing powers and duties; setting fees; amending Minnesota Statutes 1992, sections 45.011, subdivision 1, and by adding a subdivision; 45.027, subdivisions 1, 2, 5, 6, and 8; 155A.03, subdivision 1; 155A.05; 155A.06; 155A.07, subdivisions 2, 4, 7, and 8; 155A.08, subdivisions 2 and 5; 155A.09, subdivisions 2, 5, 6, and 9; 155A.10; 155A.14; 155A.15; and 155A.16; proposing coding for new law in Minnesota Statutes, chapter 155A; repealing Minnesota Statutes 1992, sections 155A.11; 155A.12; 155A.13; and 155A.18; Minnesota Rules, parts 2642.0310, subparts 3, 4, and 5; 2642.0330, subparts 3 and 4; 2642.0800; 2642.0810; 2644.0310, subparts 2, 3, and 4; 2644.0800; and 2644.0810.

May 5, 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. 643, 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) Darlene Luther, John J. Sarna, Robert Ness

Senate Conferees: (Signed) William V. Belanger, Jr., Sam G. Solon, James P. Metzen

Mr. Belanger moved that the foregoing recommendations and Conference Committee Report on H.F. No. 643 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. 643 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 54 and nays 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Olson	Robertson	Runbeck	Stumpf
Frederickson	Pariseau			

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

MOTIONS AND RESOLUTIONS – CONTINUED

S.F. No. 1201 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1201

A bill for an act relating to health occupations and professions; board of psychology; extending deadline by which previously qualified persons may

file a declaration of intent to seek licensure as a licensed psychologist without further examination; requiring the board to issue notices of extension; modifying reciprocity licensing requirement; providing for disciplinary actions; consolidating and modifying enforcement remedies; providing penalties; amending Minnesota Statutes 1992, sections 103I.345, subdivision 1; 116.75; 116.76, subdivision 1; 116.77; 116.82, subdivision 3; 144.71, subdivision 1; 145A.07, subdivision 1; 148.89, by adding a subdivision; 148.905, subdivision 1; 148.921, subdivisions 2 and 3; 148.925, subdivision 1; 148.98; 326.37, subdivision 1; 327.16, subdivision 6; and 327.20, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 144; and 148; repealing Minnesota Statutes 1992, sections 103I.701; 103I.705; 116.83; 144.1211; 144.386, subdivision 4; 144.73, subdivisions 2, 3, and 4; 144.76; 148.95; 157.081; 326.43; 326.53, subdivision 2; 326.63; 326.78, subdivisions 4, 6, 7, and 8; 326.79; 326.80; 327.18; and 327.24, subdivisions 1 and 2.

May 7, 1993

The Honorable Allan H. Spear
President of the Senate

The Honorable Dee Long
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1201, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1201 be further amended as follows:

Page 18, line 31, after "*fully*" insert "*and promptly*"

Page 19, line 1, delete everything after the period

Page 19, delete lines 2 to 8

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

Senate Conferees: (Signed) Harold R. "Skip" Finn, Don Betzold, Steve Dille

House Conferees: (Signed) Marc Asch, Thomas Pugh, Gregory M. Davids

Mr. Finn moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1201 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1201 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 1021 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1021: A bill for an act relating to state lands; exempting certain lakeshore lots from sale requirements; authorizing the commissioner of natural resources to acquire personal property; amending Minnesota Statutes 1992, section 92.67, by adding a subdivision.

Mr. Merriam moved that the amendment made to H.F. No. 1021 by the Committee on Rules and Administration in the report adopted May 5, 1993, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1021 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	Kiscaden	Moe, R.D.	Robertson
Anderson	Dille	Knutson	Mondale	Runbeck
Beckman	Finn	Krentz	Morse	Sams
Belanger	Flynn	Laidig	Murphy	Samuelson
Benson, D.D.	Frederickson	Langseth	Neuville	Solon
Benson, J.E.	Hanson	Larson	Novak	Spear
Berg	Hottinger	Lesewski	Oliver	Stevens
Berghin	Janezich	Lessard	Olson	Stumpf
Bertram	Johnson, D.E.	Luther	Piper	Terwilliger
Betzold	Johnson, D.J.	Marty	Pogemiller	Vickerman
Chandler	Johnson, J.B.	McGowan	Ranum	Wiener
Chmielewski	Johnston	Merriam	Reichgott	
Cohen	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 H.F. No. 795 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 795: A bill for an act relating to insurance; no-fault auto; excluding certain vehicles from the right of indemnity granted by the no-fault act; amending Minnesota Statutes 1992, section 65B.53, subdivision 1.

Mr. Larson moved to amend H.F. No. 795, as amended pursuant to Rule 49, adopted by the Senate April 14, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 742.)

Page 1, delete section 1

Page 2, line 10, delete everything before the period and insert "*used to transport children to school or to a school-sponsored activity*"

Page 2, line 12, delete "*Sections 1 and 2 are*" and insert "*Section 1 is*" and delete "*apply*" and insert "*applies*"

Renumber the sections in sequence

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 35, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

H.F. No. 795 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 26, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Krentz	Moe, R.D.	Reichgott
Beckman	Finn	Kroening	Mondale	Riveness
Belanger	Flynn	Langseth	Morse	Sams
Bertram	Hottinger	Lessard	Novak	Samuelson
Betzold	Janezich	Luther	Pappas	Wiener
Chandler	Johnson, D.J.	Marty	Piper	
Chmielewski	Johnson, J.B.	McGowan	Pogemiller	
Cohen	Johnston	Metzen	Ranum	

Those who voted in the negative were:

Adkins	Hanson	Lesewski	Pariseau	Terwilliger
Benson, D.D.	Johnson, D.E.	Merriam	Price	Vickerman
Benson, J.E.	Kiscaden	Murphy	Robertson	
Berg	Knutson	Neuville	Runbeck	
Day	Laidig	Oliver	Stevens	
Frederickson	Larson	Olson	Stumpf	

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. 580 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 580: A bill for an act relating to local government; providing for the preparation and review of accounts; providing for duties of the state auditor; providing for the costs of examinations; defining the limits to various types of compensation; providing procedures for the satisfaction of claims; providing procedures for the removal of city managers; limiting certain high risk investments; amending Minnesota Statutes 1992, sections 6.56; 16B.06, subdivision 4; 43A.17, subdivision 9; 340A.602; 375.162, subdivision 2; 375.18, by adding subdivisions; 412.271, subdivision 1, and by adding subdivisions; 412.641, subdivision 1; and 475.66, subdivision 3, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 6; 465; and 471.

Ms. Reichgott moved to amend S.F. No. 580 as follows:

Page 11, delete lines 18 to 22 and insert:

“(3) the governing body of a local unit of government adopts a resolution certifying that:

(i) the highly-compensated employee was a full-time employee of the local unit of government for the entire period between January 1, 1983, and December 31, 1992;

(ii) the highly-compensated employee was covered by one or more employment contracts or agreements which entitled the employee to specified severance pay benefits throughout the entire ten-year period specified in clause (i);

(iii) the employment contract or agreement in effect on December 31, 1992, will, at the time of the employee's separation from employment with the local unit of government, result in a severance payment that exceeds the limits specified in subdivision 2; and

(iv) the amount of severance pay that exceeds the limits specified in subdivision 2 was based on a commitment to provide the employee with a specified severance guarantee in lieu of a higher level of some other form of compensation.

A copy of the governing body's resolution must be filed with the state auditor.”

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 580 as follows:

Page 6, after line 3, insert:

"Sec. 6. Minnesota Statutes 1992, section 43A.17, is amended by adding a subdivision to read:

Subd. 11. [SEVERANCE PAY FOR CERTAIN EMPLOYEES.] (a) For purposes of this subdivision, "highly compensated employee" means an employee of the state whose estimated annual compensation is greater than 60 percent of the governor's annual salary and:

(1) who is not covered by a collective bargaining agreement negotiated under chapter 179A; or

(2) whose compensation is set under chapter 15A.

(b) Severance pay for a highly compensated employee includes benefits or compensation with a quantifiable monetary value, except for accumulated vacation, accumulated sick leave, and accumulated sick leave liquidated to cover the cost of group term insurance. Severance pay for a highly compensated employee does not include payments of periodic contributions by an employer toward premiums for group insurance policies. The severance pay for a highly compensated employee must be excluded from retirement deductions and from any calculations of retirement benefits. Severance pay for a highly compensated employee must be paid in a manner mutually agreeable to the employee and the employee's appointing authority over a period not to exceed five years from retirement or termination of employment. If a retired or terminated employee dies before all or a portion of the severance pay has been disbursed, the balance due must be paid to a named beneficiary or, lacking one, to the deceased's estate. Except as provided in paragraph (c), severance pay provided for a highly compensated employee leaving employment may not exceed an amount equivalent to six months of pay.

(c) Severance pay for a highly compensated employee may exceed an amount equivalent to six months of pay if the severance pay is part of an early retirement incentive offer approved by the state and the same early retirement incentive offer is also made available to all other employees of the appointing authority who meet generally defined criteria relative to age or length of service.

(d) Severance pay not provided for in a compensation plan approved under section 43A.18 must be approved by the commissioner of employee relations."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Terwilliger moved to amend S.F. No. 580 as follows:

Page 13, line 10, after the period, insert "*This section does not apply to a political subdivision whose governing body grants approval for the use of a local government vehicle by an employee of the political subdivision to carry out any duties as agreed between the political subdivision and the employee.*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 31, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Metzen	Pogemiller
Belanger	Frederickson	Laidig	Murphy	Robertson
Benson, D.D.	Johnson, D.E.	Larson	Neuville	Solon
Benson, J.E.	Johnston	Lesewski	Oliver	Stevens
Berg	Kiscaden	Lessard	Olson	Terwilliger
Day	Knutson	McGowan	Pariseau	

Those who voted in the negative were:

Anderson	Cohen	Luther	Piper	Spear
Beckman	Finn	Marty	Price	Vickerman
Berglin	Flynn	Merriam	Ranum	Wiener
Bertram	Hanson	Moe, R.D.	Reichgott	
Betzold	Hottinger	Mondale	Riveness	
Chandler	Johnson, J.B.	Morse	Runbeck	
Chmielewski	Langseth	Novak	Sams	

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

S.F. No. 580 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Adkins	Cohen	Knutson	Mondale	Riveness
Anderson	Day	Kroening	Morse	Robertson
Beckman	Dille	Laidig	Neuville	Runbeck
Belanger	Finn	Langseth	Novak	Sams
Benson, D.D.	Flynn	Larson	Oliver	Solon
Benson, J.E.	Frederickson	Lesewski	Olson	Spear
Berg	Hanson	Luther	Pariseau	Stevens
Berglin	Hottinger	Marty	Piper	Stumpf
Bertram	Johnson, D.E.	McGowan	Pogemiller	Terwilliger
Betzold	Johnson, J.B.	Merriam	Price	Vickerman
Chandler	Johnston	Metzen	Ranum	Wiener
Chmielewski	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. 566 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 566: A bill for an act relating to retirement; removing the requirement for periodic review of the rule of 90; repealing Minnesota Statutes 1992, section 356.85.

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:

Adkins	Benson, D.D.	Bertram	Cohen	Flynn
Anderson	Benson, J.E.	Betzold	Day	Frederickson
Beckman	Berg	Chandler	Dille	Hanson
Belanger	Berglin	Chmielewski	Finn	Hottinger

Johnson, J.B.	Lessard	Neuville	Reichgott	Stumpf
Kiscaden	Luther	Novak	Riveness	Terwilliger
Knutson	Marty	Oliver	Robertson	Vickerman
Kroening	McGowan	Olson	Runbeck	Wiener
Laidig	Merriam	Pariseau	Sams	
Langseth	Metzen	Piper	Samuelson	
Larson	Mondale	Price	Spear	
Lesewski	Morse	Ranum	Stevens	

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. 50 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 50: A bill for an act relating to agriculture; changing the apiary laws; reducing an appropriation; amending Minnesota Statutes 1992, sections 19.50, by adding a subdivision; 19.52, subdivision 1; 19.55; 19.56; 19.58, subdivisions 1, 2, and 4; 19.59; 19.64, subdivisions 1 and 4a; and 19.65; proposing coding for new law in Minnesota Statutes, chapter 19; repealing Minnesota Statutes 1992, sections 19.51, subdivision 3; 19.54; 19.58, subdivisions 3, 7, and 8; 19.60; 19.61, subdivision 2; 19.62; and 19.64, 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Laidig	Neuville	Runbeck
Anderson	Day	Langseth	Novak	Sams
Beckman	Dille	Larson	Olson	Samuelson
Belanger	Finn	Lesewski	Pappas	Spear
Benson, D.D.	Flynn	Lessard	Pariseau	Stevens
Benson, J.E.	Frederickson	Luther	Piper	Stumpf
Berg	Hottinger	Marty	Pogemiller	Terwilliger
Berglin	Johnson, J.B.	McGowan	Price	Vickerman
Bertram	Kiscaden	Merriam	Ranum	Wiener
Betzold	Knutson	Metzen	Reichgott	
Chandler	Krentz	Mondale	Riveness	
Chmielewski	Kroening	Morse	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. 208 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 208: A bill for an act relating to human rights; prohibiting discrimination against certain persons who have physical or sensory disabilities and who use service animals; clarifying certain language governing transportation of disabled persons; clarifying the commissioner's acceptance of charges; providing for office of administrative hearings costs to be charged in human rights cases; amending Minnesota Statutes 1992, sections 363.01, subdivisions 30a, 35, 41b, and by adding a subdivision; 363.03, subdivisions 2, 4, and 10; 363.071, by adding a subdivision; and 473.144.

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:

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

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. 671 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 671: 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; amending Minnesota Statutes 1992, section 473.523, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 16A; and 473.

Mr. Novak moved to amend H.F. No. 671, as amended pursuant to Rule 49, adopted by the Senate May 7, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 529.)

Pages 1 and 2, delete section 1

Page 3, line 10, delete "(4)" and insert "(5)"

Page 3, line 15, delete everything after the period

Page 3, delete lines 16 to 21

Page 3, line 22, delete everything before "Rules"

Page 4, after line 35, insert:

"(4) study and identify on a city by city basis, the existing barriers to comprehensive choice housing including, but not limited to, zoning requirements, development agreements, and local development practices that impose barriers to the development of comprehensive choice housing;"

Page 4, line 36, delete "(4)" and insert "(5)"

Page 5, delete lines 2 to 4

Page 5, line 5, delete everything before the semicolon

Page 5, line 10, delete "(5)" and insert "(6)"

Page 5, line 13, delete "(6)" and insert "(7)"

Page 5, line 28, delete "(4)" and insert "(5)"

Page 6, lines 6, 9, and 14, delete "(4)" and insert "(5)"

Page 6, line 12, delete "to the department of revenue,"

Page 6, line 17, delete the comma and insert "and"

Page 6, line 18, delete everything after "certified"

Page 6, line 19, delete everything before the period

Page 6, delete lines 23 to 36

Page 7, delete lines 1 to 8

Page 7, after line 8, insert:

"Sec. 2. [STUDY OF INCENTIVES FOR COMPREHENSIVE CHOICE HOUSING.]

The metropolitan council shall conduct a study to identify incentives to promote the availability of comprehensive choice housing throughout the metropolitan area. The council shall work collaboratively with local governments, the Minnesota housing finance agency, the department of revenue, other executive branch agencies, the department of housing and urban development, and nonprofit organizations to identify incentives and determine their likely impact on the supply and location of comprehensive choice housing. The council shall report the results of the study and make recommendations to the legislature by February 15, 1994."

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 49 and nays 13, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Day	Lessard	Pappas	Terwilliger
Benson, D.D.	Johnston	McGowan	Robertson	
Bertram	Kelly	Oliver	Stevens	

The motion prevailed. So the amendment was adopted.

H.F. No. 671 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 34 and nays 29, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Beckman	Day	Knutson	Neuville	Samuelson
Belanger	Frederickson	Laidig	Oliver	Stevens
Benson, D.D.	Hanson	Langseth	Olson	Stumpf
Benson, J.E.	Johnson, D.E.	Lesewski	Pariseau	Terwilliger
Berg	Johnston	Lessard	Robertson	Vickerman
Bertram	Kiscaden	McGowan	Sams	

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. 948 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 948: A bill for an act relating to commerce; modifying the definition of business license; regulating residential building contractors and remodelers; providing licensing requirements; prescribing the powers and duties of the commissioner; prohibiting unlicensed persons from obtaining building permits; establishing a contractor's recovery fund; appropriating money; amending Minnesota Statutes 1992, sections 116J.70, subdivision 2a; 326.83, subdivisions 4, 6, 7, 8, 10, and by adding subdivisions; 326.84, subdivisions 1 and 3; 326.85, subdivision 1; 326.86; 326.87, subdivision 2; 326.88; 326.89, subdivisions 2, 3, and by adding subdivisions; 326.90; 326.91, subdivisions 1 and 2; 326.92, subdivisions 1 and 3; 326.93, subdivision 1; 326.94, subdivision 2; 326.97, subdivision 1, and by adding a subdivision; 326.99; and 326.991; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 1992, sections 326.84, subdivision 2; and 326.94, subdivision 1.

Mr. Larson moved to amend H.F. No. 948, as amended pursuant to Rule 49, adopted by the Senate May 6, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 938.)

Page 5, line 17, after the semicolon, insert "and"

Page 5, line 18, delete everything after "grading" and insert a period

Page 5, delete line 19

Page 16, delete section 25 and insert:

"Sec. 25. Minnesota Statutes 1992, section 326.90, is amended to read:
326.90 [LOCAL LICENSES.]

Subdivision 1. [LOCAL LICENSE PROHIBITED.] Except as provided in section sections 326.991 and 326.90, subdivision 2, a political subdivision may not require a residential building contractor, remodeler, or specialty contractor person licensed under sections 326.83 to 326.991 to also be licensed under any ordinance, law, rule, or regulation of the political subdivision. This section does not prohibit charges for building permits or other charges not directly related to licensure.

Subd. 2. [EXCEPTION.] This section does not prohibit a political subdivision from requiring licensure or certification under any ordinance, law, rule, or regulation of the political subdivision for persons who engage in the installation of an on-site sewage treatment system."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend H.F. No. 948, as amended pursuant to Rule 49, adopted by the Senate May 6, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 938.)

Page 18, after line 31, insert:

"Sec. 30. [326.921] [BUILDING PERMIT CONDITIONED ON LICENSURE.]

A political subdivision shall not issue a building permit to an unlicensed person who is required to be licensed under sections 326.83 to 326.991. The political subdivision shall report the person applying for a building permit to the commissioner who may bring an action against the person."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Luther then moved to amend H.F. No. 948, as amended pursuant to Rule 49, adopted by the Senate May 6, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 938.)

Page 14, lines 10 and 34, after "applicant" insert ", any employee,"

Page 15, line 1, after the stricken period, insert ", employee," and delete "and" and insert:

"(9) where the applicant is a firm, partnership, sole proprietorship, limited liability company, corporation, or association, whether there has been a sale or transfer of the business or other change in ownership, control, or name in the last five years and the details thereof, and the names and addresses of all prior, predecessor, subsidiary, affiliated, parent, or related entities, and whether each such entity, or its owners, officers, directors, members or shareholders holding more than ten percent of the stock, or an employee has ever taken or been subject to an action that is subject to clause (6), (7), or (8) in the last ten years; and"

Page 15, line 2, delete "(9)" and insert "(10)"

Page 16, line 17, delete "necessary" and insert "reasonable"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Luther then moved to amend H.F. No. 948, as amended pursuant to Rule 49, adopted by the Senate May 6, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 938.)

Page 19, line 3, delete "subdivision 2,"

Page 19, after line 3, insert:

"326.94 [BOND; INSURANCE.]

Subdivision 1. [BOND.] (a) ~~Residential building contractors, remodelers, and specialty contractors licensed under section 326.84~~ *Licensed manufactured home installers and licensed roofers* must post a license bond with the commissioner, conditioned that the applicant shall faithfully perform the duties and in all things comply with all laws, ordinances, and rules pertaining to the license or permit applied for and all contracts entered into. The annual bond must be continuous and maintained for so long as the licensee remains licensed. The aggregate liability of the surety on the bond to any and all persons, regardless of the number of claims made against the bond, may not exceed the amount of the bond. The bond may be canceled as to future liability by the surety upon 30 days written notice mailed to the commissioner by regular mail.

(b) ~~The commissioner shall establish by rule a bond scale based on the gross annual receipts of the licensee. The residential building contractor and remodeler licensees~~ *A licensed roofer must post a bond of at least \$5,000. A specialty contractor licensee must post a bond of at least \$2,500. The bond amounts for specialty contractor licensees must be based upon the same classifications as a residential building contractor and remodeler licensee.*

Page 23, line 24, delete everything after the period

Page 23, delete lines 25 to 27

Page 23, line 29, delete "sections" and insert "section" and delete the semicolon

Page 23, line 30, delete "and 326.94, subdivision 1, are" and insert " , is"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Samuelson moved to amend H.F. No. 948, as amended pursuant to Rule 49, adopted by the Senate May 6, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 938.)

Page 18, line 5, delete "or"

Page 18, line 8, before the period, insert " ; or

(12) has had a judgment entered against them for failure to make payments to employees or subcontractors"

The motion prevailed. So the amendment was adopted.

H.F. No. 948 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 44 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Kroening	Murphy	Robertson
Anderson	Dille	Laidig	Neuville	Runbeck
Beckman	Finn	Langseth	Novak	Sams
Benson, J.E.	Flynn	Larson	Oliver	Samuelson
Berglin	Hanson	Lessard	Piper	Spear
Bertram	Hottinger	Luther	Price	Stevens
Betzold	Johnson, D.J.	Marty	Ranum	Vickerman
Chandler	Kelly	Merriam	Reichgott	Wiener
Chmielewski	Knutson	Mondale	Riveness	

Those who voted in the negative were:

Belanger	Berg	Johnson, J.B.	Lesewski	Stumpf
Benson, D.D.	Day	Johnston	Morse	

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. 864 a Special Order to be heard immediately.

SPECIAL ORDER

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.

Mr. Chandler moved to amend H.F. No. 864, the unofficial engrossment, as follows:

Page 2, line 26, delete "\$500" and after "launching" insert "into noninfested waters"

Page 2, line 28, delete everything after "attached" and insert ", \$500 for"

Page 2, line 29, delete the comma

Page 2, line 30, delete "limited"

Page 2, line 31, delete "infestation of" and after "milfoil" insert "infestation area"

Page 2, line 35, after "launch" insert "into infested waters"

Page 2, line 36, after "mussels" insert "attached."

Page 3, delete line 1

The motion prevailed. So the amendment was adopted.

H.F. No. 864 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 0, as follows:

Those who voted in the affirmative were:

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

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

Mr. Luther moved that S.F. No. 811 be made a Special Order for immediate consideration. The motion prevailed.

SPECIAL ORDER

S.F. No. 811: A bill for an act relating to transportation; providing for a metropolitan area high speed bus study; appropriating money.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Langseth	Morse	Riveness
Anderson	Finn	Larson	Murphy	Runbeck
Beckman	Frederickson	Lessard	Neuville	Sams
Belanger	Hottinger	Luther	Novak	Samuelson
Benson, D.D.	Johnson, D.J.	Marty	Olson	Spear
Benson, J.E.	Johnson, J.B.	McGowan	Pappas	Stevens
Berg	Johnston	Merriam	Piper	Stumpf
Betzold	Kelly	Metzen	Price	Vickerman
Chandler	Knutson	Moe, R.D.	Ranum	Wiener
Chmielewski	Kroening	Mondale	Reichgott	

Those who voted in the negative were:

Berglin	Day	Lesewski	Pariseau	Terwilliger
Bertram	Flynn	Oliver	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. 199 a Special Order to be heard immediately.

SPECIAL ORDER

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.

Mr. Hottinger moved to amend H.F. No. 199, as amended pursuant to Rule 49, adopted by the Senate May 7, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 112.)

Page 1, after line 9, insert:

“ARTICLE 1”

Page 3, after line 31, insert:

“ARTICLE 2

Section 1. Minnesota Statutes 1992, section 79.50, is amended to read:

79.50 [PURPOSES.]

The purposes of chapter 79 are to:

(a) Promote public welfare by regulating insurance rates so that premiums are not excessive, inadequate, or unfairly discriminatory;

(b) Promote quality and integrity in the data bases used in workers' compensation insurance ratemaking;

(c) Prohibit price fixing agreements and anticompetitive behavior by insurers;

(d) Promote price competition and provide rates that are responsive to competitive market conditions;

(e) Provide a means of establishment of proper rates if competition is not effective;

(f) Define the function and scope of activities of data service organizations;

(g) Provide for an orderly transition from regulated rates to competitive market conditions; and

(h) (e) Encourage insurers to provide alternative innovative methods whereby employers can meet the requirements imposed by section 176.181.

Sec. 2. Minnesota Statutes 1992, section 79.51, subdivision 1, is amended to read:

79.51 [RULES.]

Subdivision 1. [ADOPTION; WHEN.] The commissioner shall adopt rules to implement provisions of this chapter. ~~The rules shall be finally adopted after May 1, 1982. By January 15, 1982, the commissioner shall provide the legislature a description and explanation of the intent and anticipated effect of the rules on the various factors of the rating system.~~

Sec. 3. Minnesota Statutes 1992, section 79.51, subdivision 3, is amended to read:

Subd. 3. [RULES; SUBJECT MATTER.] (a) The commissioner in issuing rules shall consider:

(1) data reporting requirements, including types of data reported, such as loss and expense data;

- (2) experience rating plans;
 - (3) retrospective rating plans;
 - (4) general expenses and related expense provisions;
 - (5) minimum premiums;
 - (6) classification systems and assignment of risks to classifications;
 - (7) loss development and trend factors;
 - (8) the workers' compensation reinsurance association;
 - (9) requiring substantial compliance with the rules mandated by this section as a condition of workers' compensation carrier licensure;
 - (10) imposing limitations on the functions of workers' compensation data service organizations consistent with the introduction of competition;
 - (11) the rules contained in the workers' compensation rating manual adopted by ~~the workers' compensation insurers rating association licensed data service organizations; and~~
 - (12) *the supporting data and information required in filings under section 79.56, including but not limited to the experience of the filing insurer and the extent to which the filing insurer relies upon data service organization loss information, descriptions of the actuarial and statistical methods employed in setting rates, and the filing insurers interpretation of any statistical data relied upon; and*
 - (13) any other factors that the commissioner deems relevant to achieve the purposes of this chapter.
- (b) The rules shall provide for the following:
- (1) ~~competition in workers' compensation insurance rates in such a way that the advantages of competition are introduced with a minimum of employer hardship;~~
 - (2) adequate safeguards against excessive or discriminatory rates in workers' compensation;
 - (3) (2) encouragement of workers' compensation insurance rates which are as low as reasonably necessary, but shall make provision against inadequate rates, insolvencies and unpaid benefits;
 - (4) (3) assurances that employers are not unfairly relegated to the assigned risk pool;
 - (5) (4) requiring all appropriate data and other information from insurers for the purpose of issuing rules, making legislative recommendations pursuant to this section ~~and monitoring the effectiveness of competition;~~ and
 - (6) (5) preserving a framework for risk classification, data collection, and other appropriate joint insurer services ~~where these will not impede the introduction of competition in premium rates.~~

Sec. 4. Minnesota Statutes 1992, section 79.53, subdivision 1, is amended to read:

Subdivision 1. [METHOD OF CALCULATION.] Each insurer shall establish premiums to be paid by an employer according to its filed rates and rating plan as follows:

Rates shall be applied to an exposure base to yield a base premium which may be further ~~modified~~ *increased or decreased up to 25 percent* by merit rating, premium discounts, and other appropriate factors contained in the rating plan of an insurer to produce premium *if the increase or decrease is not unfairly discriminatory*. Nothing in this chapter shall be deemed to prohibit the use of any premium, provided the premium is not excessive, inadequate or unfairly discriminatory.

Sec. 5. Minnesota Statutes 1992, section 79.55, subdivision 2, is amended to read:

Subd. 2. [EXCESSIVENESS.] ~~No premium is excessive in a competitive market. In the absence of a competitive market, premiums~~ *Rates and rating plans are excessive if the expected underwriting profit, together with expected income from invested reserves for the market in question, that would accrue to an insurer under the rates and rating plans would be unreasonably high in relation to the risk undertaken by the insurer in transacting the business. The burden is on the insurer to establish that profit is not unreasonably high.*

Sec. 6. Minnesota Statutes 1992, section 79.55, subdivision 5, is amended to read:

Subd. 5. [DISCOUNTS PERMITTED.] An insurer may offer a ~~discount from scheduled credit or debit to a manual premium of up to 25 percent if the premium otherwise complies with this section. The commissioner shall not by rule, or otherwise, prohibit a credit or discount from a manual premium solely because it is greater than a certain fixed percentage of the premium.~~

Sec. 7. Minnesota Statutes 1992, section 79.55, is amended by adding a subdivision to read:

Subd. 6. [RATING FACTORS.] *In determining whether a rate filing complies with this section, separate consideration shall be given to: (i) past and prospective loss experience within this state and outside this state to the extent necessary to develop credible rates; (ii) dividends, savings, or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers; and (iii) a reasonable allowance for expense and profit. An allowance for expense shall be presumed reasonable if it reflects expenses that are 20 percent greater or less than the average expense for all insurers writing workers' compensation insurance in this state. An allowance for after-tax profit shall consider anticipated investment income from premium receipts net of disbursements and from allocated surplus, based on the current five-year United States Treasury note yield and an assumed premium to surplus ratio of 2.25 to one. The allowance for after-tax profit shall be presumed reasonable if the corresponding return on equity target is equal to or less than the sum of: (i) the current yield on five-year United States Treasury securities; and (ii) an appropriate equity risk premium that reflects the risks of writing workers' compensation insurance. The risk premium shall not be less than the average, since 1926, of the differences in return between: (i) the annual return, including dividend income, for the Standards and Poors 500 common stock index or predecessor index for each year; and (ii) the five-year United States Treasury note yield as of the start of the corresponding year. Profit and expense allowances not presumed reasonable under this*

subdivision, are reasonable if the circumstances of an insurer, the market, or other factors justify them.

Sec. 8. Minnesota Statutes 1992, section 79.55, is amended by adding a subdivision to read:

Subd. 7. [EXTERNAL FACTORS.] That portion of a rate or rating plan related to assessments from the assigned risk plan, reinsurance association, guarantee fund, special compensation fund, agent commission, premium tax, and any other state-mandated surcharges shall not cause the rate or rating plan to be considered excessive, inadequate, or unfairly discriminatory.

Sec. 9. Minnesota Statutes 1992, section 79.56, subdivision 1, is amended to read:

~~Subdivision 1. [AFTER EFFECTIVE DATE PREFILING OF RATES.] Each insurer shall file with the commissioner a complete copy of its rates and rating plan, and all changes and amendments thereto, within 15 days after their and such supporting data and information that the commissioner may by rule require, at least 60 days prior to its effective dates date. An insurer need not file a rating plan if it uses a rating plan filed by a data service organization. If an insurer uses a rating plan of a data service organization but deviates from it, then all deviations must be filed by the insurer. The commissioner shall advise an insurer within 30 days of the filing if its submission is not accompanied with such supporting data and information that the commissioner by rule may require. The commissioner may extend the filing review period and effective date for an additional 30 days if an insurer, after having been advised of what supporting data and information is necessary to complete its filing, does not provide such information within 15 days of having been so notified. If any rate or rating plan filing or amendment thereto is not disapproved by the commissioner within the filing review period, the insurer may implement it. For the period January 1, 1994, to December 31, 1994, the filing shall be made at least 90 days prior to the effective date and the department shall advise an insurer within 60 days of such filing if the filing is insufficient under this section.~~

Sec. 10. Minnesota Statutes 1992, section 79.56, subdivision 3, is amended to read:

~~Subd. 3. [PENALTIES.] Any insurer using a rate or a rating plan which has not been filed shall be subject to a fine of up to \$100 for each day the failure to file continues. The commissioner may, after a hearing on the record, find that the failure is willful. A willful failure to meet filing requirements shall be punishable by a fine of up to \$500 for each day during which a willful failure continues. These penalties shall be in addition to any other penalties provided by law. Notwithstanding this subdivision, an employer that generates \$500,000 in annual written workers' compensation premium under the rates and rating plan of an insurer before the application of any large deductible rating plans, may be written by that insurer using rates or rating plans that are not subject to disapproval but which have been filed. The \$500,000 threshold shall be increased on January 1, 1995, and on each January 1 thereafter by the percentage increase in the statewide average weekly wage, to the nearest \$1,000. The commissioner shall advise insurers licensed to write workers' compensation insurance in this state of the annual threshold adjustment.~~

Sec. 11. [79.561] [DISAPPROVAL OF RATES OR RATING PLANS.]

Subdivision 1. [DISAPPROVAL; TIME PERIOD.] The commissioner may disapprove a rate and rating plan or amendment thereto prior to its effective date, as provided under section 79.56, subdivision 1, if the commissioner determines that it is excessive, inadequate, or unfairly discriminatory. If the commissioner disapproves any rate or rating plan filing or amendment thereto, the commissioner shall advise the filing insurer what rate and rating plan the commissioner has reason to believe would be in compliance with section 79.55, and the reasons for that determination. An insurer may not implement a rate and rating plan or amendment thereto which has been disapproved under this subdivision. If the commissioner disapproves any rate and rating plan filing or amendment thereto, an insurer may use its current rate and rating plan for writing any workers' compensation insurance in this state. Following any disapproval, the commissioner and insurer may reach agreement on a rate or rating plan filing or amendment thereto. Notwithstanding any law to the contrary, in such cases, the rate or rating plan filing or amendment thereto may be implemented by the insurer immediately.

Subd. 2. [HEARING.] If an insurer's rate or rating plan filing or amendment thereto is disapproved under subdivision 1, the insurer may request a contested case hearing under chapter 14. The insurer shall have the burden of proof to justify that its rate and rating plan or amendment thereto is in compliance with section 79.55. The hearing must be scheduled promptly and in no case later than three months from the date of disapproval or else the rate and rating plan or amendment thereto shall be considered effective and may be implemented by the insurer. A determination pursuant to chapter 14 must be made within 90 days following the closing of the hearing record.

Subd. 3. [CONSULTANTS AND COSTS.] The commissioner may retain consultants, including a consulting actuary or other experts, that the commissioner determines necessary for purposes of this chapter. The salary limit set by section 43A.17 does not apply to a consulting actuary retained under this subdivision. A consulting actuary shall be a fellow in the casualty actuarial society and shall have demonstrated experience in workers' compensation insurance ratemaking. Any individual not so qualified shall not render an opinion or testify on actuarial aspects of a filing, including but not limited to data quality, loss development, and trending. The costs incurred in retaining any consulting actuaries and experts shall be reimbursed by the special compensation fund.

Sec. 12. [APPROPRIATION.]

\$2,600,000 is appropriated from the special compensation fund for the biennium ending June 30, 1995, to the department of commerce for the purposes of this article. The complement of the department of commerce is increased by 13 positions for the purposes of this article.

Sec. 13. [REPEALER.]

Minnesota Statutes 1992, sections 79.53, subdivision 2; 79.54; 79.56, subdivision 2; 79.57; and 79.58, are repealed.

Sec. 14. [EFFECTIVE DATE; TRANSITION.]

This article is effective on January 1, 1994. Rates and rating plans in use as of January 1, 1994, may continue to be used until such time as an amendment thereto or a new rate or rating plan is filed, at which time such submission shall be subject to this article.

ARTICLE 3

Section 1. Minnesota Statutes 1992, section 176.021, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION, COMMENCEMENT OF PAYMENT.] All employers shall commence payment of compensation at the time and in the manner prescribed by this chapter without the necessity of any agreement or any order of the division. Except for medical, burial, and other nonperiodic benefits, payments shall be made as nearly as possible at the intervals when the wage was payable, provided, however, that payments for permanent partial disability shall be governed by section 176.101. If doubt exists as to the eventual permanent partial disability, payment for the economic recovery compensation or impairment compensation, whichever is due, pursuant to section 176.101, shall be then made when due for the minimum permanent partial disability ascertainable, and further payment shall be made upon any later ascertainment of greater permanent partial disability. Prior to or at the time of commencement of the payment of economic recovery compensation or ~~lump sum or periodic payment~~ of impairment compensation, the employee and employer shall be furnished with a copy of the medical report upon which the payment is based and all other medical reports which the insurer has that indicate a permanent partial disability rating, together with a statement by the insurer as to whether the tendered payment is for minimum permanent partial disability or final and eventual disability. After receipt of all reports available to the insurer that indicate a permanent partial disability rating, the employee shall make available or permit the insurer to obtain any medical report that the employee has or has knowledge of that contains a permanent partial disability rating which the insurer does not already have. Economic recovery compensation or impairment compensation pursuant to section 176.101 is payable in addition to but not concurrently with compensation for temporary total disability but is payable pursuant to section 176.101. Impairment compensation is payable concurrently and in addition to compensation for permanent total disability pursuant to section 176.101. Economic recovery compensation or impairment compensation pursuant to section 176.101 shall be withheld pending completion of payment for temporary total disability, and no credit shall be taken for payment of economic recovery compensation or impairment compensation against liability for temporary total or future permanent total disability. Liability on the part of an employer or the insurer for disability of a temporary total, temporary partial, and permanent total nature shall be considered as a continuing product and part of the employee's inability to earn or reduction in earning capacity due to injury or occupational disease and compensation is payable accordingly, subject to section 176.101. Economic recovery compensation or impairment compensation is payable for functional loss of use or impairment of function, permanent in nature, and payment therefore shall be separate, distinct, and in addition to payment for any other compensation, subject to section 176.101. The right to receive temporary total, temporary partial, or permanent total disability payments vests in the injured employee or the employee's dependents under this chapter or, if none, in the employee's legal heirs at the time the disability can be ascertained and the right is not abrogated by the employee's death prior to the making of the payment.

The right to receive economic recovery compensation or impairment compensation vests in an injured employee at the time the disability can be ascertained provided that the employee lives for at least 30 days beyond the

date of the injury. Upon the death of an employee who is receiving economic recovery compensation or impairment compensation, further compensation is payable pursuant to section 176.101. Impairment compensation is payable under this paragraph if vesting has occurred, the employee dies prior to reaching maximum medical improvement, and the requirements and conditions under section 176.101, subdivision 3e, are not met.

Disability ratings for permanent partial disability shall be based on objective medical evidence.

Sec. 2. Minnesota Statutes 1992, section 176.021, subdivision 3a, is amended to read:

Subd. 3a. [PERMANENT PARTIAL BENEFITS, PAYMENT.] Payments for permanent partial disability as provided in section 176.101, subdivision 3, shall be made in the following manner:

(a) If the employee returns to work, payment shall be made ~~by lump sum~~ *at the same intervals as temporary total payments were made*;

(b) If temporary total payments have ceased, but the employee has not returned to work, payment shall be made at the same intervals as temporary total payments were made;

(c) If temporary total disability payments cease because the employee is receiving payments for permanent total disability or because the employee is retiring or has retired from the work force, then payment shall be made ~~by lump sum~~ *at the same intervals as temporary total payments were made*;

(d) If the employee completes a rehabilitation plan pursuant to section 176.102, but the employer does not furnish the employee with work the employee can do in a permanently partially disabled condition, and the employee is unable to procure such work with another employer, then payment shall be made ~~by lump sum~~ *at the same intervals as temporary total payments were made*.

Sec. 3. Minnesota Statutes 1992, section 176.101, subdivision 1, is amended to read:

Subdivision 1. [TEMPORARY TOTAL DISABILITY.] (a) For injury producing temporary total disability, the compensation is 66-2/3 percent of the weekly wage at the time of injury.

(b) During the year commencing on October 1, 1992, ~~and each year thereafter~~, the maximum weekly compensation payable is 105 percent of the statewide average weekly wage for the period ending December 31 of the preceding year.

(c) During the year commencing on October 1, 1993, the maximum weekly compensation payable is 106 percent of the statewide average weekly wage for the period ending December 31 of the preceding year.

(d) During the year commencing on October 1, 1994, the maximum weekly compensation payable is 107 percent of the statewide average weekly wage for the period ending December 31 of the preceding year.

(e) During the year commencing on October 1, 1995, the maximum weekly compensation payable is 108 percent of the statewide average weekly wage for the period ending December 31 of the preceding year.

(f) *During the year commencing on October 1, 1996, the maximum weekly compensation payable is 109 percent of the statewide average weekly wage for the period ending December 31 of the preceding year.*

(g) *During the year commencing on October 1, 1997, and each year thereafter, the maximum weekly compensation payable is 110 percent of the statewide average weekly wage for the period ending December 31 of the preceding year.*

(h) The minimum weekly compensation payable is 20 percent of the statewide average weekly wage for the period ending December 31 of the preceding year or the injured employee's actual weekly wage, whichever is less.

(d) (i) Subject to subdivisions 3a to 3u this compensation shall be paid during the period of disability, payment to be made at the intervals when the wage was payable, as nearly as may be.

Sec. 4. Minnesota Statutes 1992, section 176.101, subdivision 3g, is amended to read:

Subd. 3g. [ACCEPTANCE OF JOB OFFER.] If the employee accepts a job offer described in subdivision 3e and the employee begins work at that job, although not necessarily within the 90-day period specified in that subdivision, the impairment compensation shall be paid in a lump sum 30 calendar days after the employee actually commences work if the employment has not been substantially interrupted by the injury for any part of the 30 days and the employee is still employed at that job at the end of the period at the same rate that temporary total compensation was last paid.

Sec. 5. Minnesota Statutes 1992, section 176.101, subdivision 3l, is amended to read:

Subd. 3l. [FAILURE TO ACCEPT JOB OFFER.] If the employee has been offered a job under subdivision 3e and has refused the offer, the impairment compensation shall not be paid in a lump sum but shall be paid in the same interval and amount that temporary total compensation was initially paid. This compensation shall not be escalated pursuant to section 176.645. Temporary total compensation shall cease upon the employee's refusal to accept the job offered and no further or additional temporary total compensation is payable for that injury. The payment of the periodic impairment compensation shall cease when the amount the employee is eligible to receive under subdivision 3b is reached, after which time the employee shall not receive additional impairment compensation or any other compensation under this chapter unless the employee has a greater permanent partial disability than already compensated for.

Sec. 6. Minnesota Statutes 1992, section 176.101, subdivision 3m, is amended to read:

Subd. 3m. [RETURN TO WORK AFTER REFUSAL OF JOB OFFER.] If the employee has refused the job offer under subdivision 3e and is receiving periodic impairment compensation and returns to work at another job, the employee shall receive the remaining impairment compensation due, in a lump sum, 30 days after return to work if the employment has not been substantially interrupted by the injury for any part of the 30 days and the employee is still employed at that job at the end of the period at the same rate that temporary total compensation was last paid.

Sec. 7. Minnesota Statutes 1992, section 176.101, subdivision 3o, is amended to read:

Subd. 3o. [INABILITY TO RETURN TO WORK.] (a) An employee who is permanently totally disabled pursuant to subdivision 5 shall receive impairment compensation as determined pursuant to subdivision 3b. This compensation is payable in addition to permanent total compensation pursuant to subdivision 4 and is payable concurrently. In this case the impairment compensation shall be paid in the same intervals and amount as the permanent total compensation was initially paid, and the impairment compensation shall cease when the amount due under subdivision 3b is reached. If this employee returns to work at any job during the period the impairment compensation is being paid, ~~the remaining impairment compensation due shall be paid in a lump sum 30 days after the employee has returned to work and no further temporary total compensation shall be paid.~~

(b) If an employee is receiving periodic economic recovery compensation and is determined to be permanently totally disabled no offset shall be taken against future permanent total compensation for the compensation paid and no permanent total weekly compensation is payable for any period during which economic recovery compensation has already been paid. No further economic recovery compensation is payable even if the amount due the employee pursuant to subdivision 3a has not yet been reached.

(c) An employee who has received periodic economic recovery compensation and who meets the criteria under clause (b) shall receive impairment compensation pursuant to clause (a) even if the employee has previously received economic recovery compensation for that disability.

(d) Rehabilitation consultation pursuant to section 176.102 shall be provided to an employee who is permanently totally disabled.

Sec. 8. Minnesota Statutes 1992, section 176.101, subdivision 3q, is amended to read:

Subd. 3q. [METHOD OF PAYMENT OF ECONOMIC RECOVERY COMPENSATION.] (a) Economic recovery compensation is payable at the same intervals and in the same amount as temporary total compensation was initially paid. ~~If the employee returns to work and the economic recovery compensation is still being paid, the remaining economic recovery compensation due shall be paid in a lump sum 30 days after the employee has returned to work if the employment has not been substantially interrupted by the injury for any part of the 30 days and the employee is still employed at that job at the end of the period.~~

(b) Periodic economic recovery compensation paid to the employee shall not be adjusted pursuant to section 176.645.

Sec. 9. Minnesota Statutes 1992, section 176.101, subdivision 4, is amended to read:

Subd. 4. [PERMANENT TOTAL DISABILITY.] For permanent total disability, as defined in subdivision 5, the compensation shall be 66-2/3 percent of the daily wage at the time of the injury, subject to a maximum weekly compensation equal to the maximum weekly compensation for a temporary total disability and a minimum weekly compensation equal to ~~the minimum weekly compensation for a temporary total disability~~ 65 percent of the statewide average weekly wage. This compensation shall be paid during

the permanent total disability of the injured employee but after a total of \$25,000 of weekly compensation has been paid, the amount of the weekly compensation benefits being paid by the employer shall be reduced by the amount of any disability benefits being paid by any government disability benefit program if the disability benefits are occasioned by the same injury or injuries which give rise to payments under this subdivision. This reduction shall also apply to any old age and survivor insurance benefits. Payments shall be made at the intervals when the wage was payable, as nearly as may be. In case an employee who is permanently and totally disabled becomes an inmate of a public institution, no compensation shall be payable during the period of confinement in the institution, unless there is wholly dependent on the employee for support some person named in section 176.111, subdivision 1, 2 or 3, in which case the compensation provided for in section 176.111, during the period of confinement, shall be paid for the benefit of the dependent person during dependency. The dependency of this person shall be determined as though the employee were deceased.

Sec. 10. Minnesota Statutes 1992, section 176.101, subdivision 5, is amended to read:

Subd. 5. [DEFINITION.] (a) For purposes of subdivision 4, permanent total disability means only:

(1) the total and permanent loss of the sight of both eyes, the loss of both arms at the shoulder, the loss of both legs so close to the hips that no effective artificial members can be used, complete and permanent paralysis, total and permanent loss of mental faculties; or

(2) any other injury that results in a disability rating under this chapter of at least 15 percent of the whole body which totally and permanently incapacitates the employee from working at an occupation which brings the employee an income.

(b) For purposes of paragraph (a), clause (2), "totally and permanently incapacitated" means that the employee's physical disability, in combination with the employee's age, education, training, and experience, causes the employee to be unable to secure anything more than sporadic employment resulting in an insubstantial income.

Sec. 11. Minnesota Statutes 1992, section 176.645, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT.] For injuries occurring after October 1, 1975 for which benefits are payable under section 176.101, subdivisions 1, 2 and 4, and section 176.111, subdivision 5, the total benefits due the employee or any dependents shall be adjusted in accordance with this section. On October 1, 1981, and thereafter on the anniversary of the date of the employee's injury the total benefits due shall be adjusted by multiplying the total benefits due prior to each adjustment by a fraction, the denominator of which is the statewide average weekly wage for December 31, of the year two years previous to the adjustment and the numerator of which is the statewide average weekly wage for December 31, of the year previous to the adjustment. For injuries occurring after October 1, 1975, all adjustments provided for in this section shall be included in computing any benefit due under this section. Any limitations of amounts due for daily or weekly compensation under this chapter shall not apply to adjustments made under this section. No adjustment increase made on or after October 1, 1977, but prior to October 1,

1992, under this section shall exceed six percent a year; in those instances where the adjustment under the formula of this section would exceed this maximum, the increase shall be deemed to be six percent. *For injuries occurring on or after October 1, 1992, no adjustment increase made on or after October 1, 1992, under this section shall exceed four percent a year; in those instances where the adjustment under the formula of this section would exceed this maximum, the increase shall be deemed to be four percent.*

Sec. 12. Minnesota Statutes 1992, section 176.66, subdivision 11, is amended to read:

Subd. 11. [AMOUNT OF COMPENSATION.] The compensation for an occupational disease is 66-2/3 percent of the employee's weekly wage on the date of injury subject to a maximum compensation equal to the maximum compensation in effect on the date of last exposure. ~~The employee shall be eligible for supplementary benefits notwithstanding the provisions of section 176.132, after four years have elapsed since the date of last significant exposure to the hazard of the occupational disease if that employee's weekly compensation rate is less than the current supplementary benefit rate.~~

Sec. 13. [REPEALER.]

Minnesota Statutes 1992, section 176.132, subdivisions 1 and 2, are repealed.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 10, 12, and 13 are effective October 1, 1993. Sections 9, 12, and 13 apply to a personal injury, as defined under Minnesota Statutes, section 176.011, subdivision 16, occurring on or after October 1, 1993. Section 11 is effective the day following final enactment and applies retroactively to October 1, 1992."

Amend the title accordingly

Mr. Moe, R.D. questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Hottinger appealed the decision of the President.

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

The roll was called, and there were yeas 35 and nays 31, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The decision of the President was sustained.

H.F. No. 199 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 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Johnston	Lesewski	Neuville	Runbeck	Stevens
Larson	Merriam			

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Johnson, D.E.; Larson; Vickerman; Berg and Day introduced—

S.F. No. 1633: A bill for an act relating to employment; modifying provisions relating to prevailing wages; amending Minnesota Statutes 1992, section 177.41; 177.42, subdivision 6; 177.43, subdivisions 1 and 3; and 471.345, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 177.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Betzold, Ms. Wiener, Anderson and Mr. Solon introduced—

S.F. No. 1634: A bill for an act relating to agriculture; repealing the milk over-order premium law; repealing Laws 1993, chapter 65, sections 9, 12, and 14.

Referred to the Committee on Agriculture and Rural Development.

Mr. Janezich introduced—

S.F. No. 1635: A bill for an act relating to taxation; authorizing the study of reform of the state's tax structure based upon a gross worth tax system.

Referred to the Committee on Taxes and Tax Laws.

MEMBERS EXCUSED

Mr. Riveness was excused from the Session of today from 9:00 to 9:55 a.m.

Messrs. Solon and Novak were excused from the Session of today from 9:30 to 10:15 a.m. Messrs. Beckman and Kelly were excused from the Session of today from 9:30 to 10:30 a.m. Ms. Pappas was excused from the Session of today from 9:30 to 11:00 a.m. Mr. Pogemiller was excused from the Session of today from 10:10 to 10:40 a.m. and 1:00 to 2:15 p.m. Mr. Cohen was excused from the Session of today from 1:00 to 2:30 p.m. Ms. Olson was excused from the Session of today from 12:45 to 1:15 p.m. Mrs. Pariseau was excused from the Session of today from 10:45 to 11:10 a.m., 12:45 to 1:15 p.m. and 1:40 to 1:50 p.m. Ms. Krentz was excused from the Session of today from 12:30 to 2:00 p.m. Mr. Johnson, D.J. was excused from the Session of today from 12:45 to 1:00 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Wednesday, May 12, 1993. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate