

## FIFTY-SEVENTH DAY

St. Paul, Minnesota, Wednesday, May 12, 1993

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

### CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Sister Esther Mary Nickel.

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

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

The President declared a quorum present.

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

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

August 18, 1992

The Honorable Jerome Hughes  
President of the Senate

Dear Senator Hughes:

This is to inform you that two appointments have been made by the Regional Transit Board to the Metropolitan Transit Commission. The Metropolitan Transit Commissioners appointed are:

Christine Dean  
6604 Galway Drive  
Edina, MN 55439  
(Hennepin County)  
For a term expiring:  
August 1, 1995

Allyson Hartle  
1489 W. Minnehaha Ave.  
St. Paul, MN 55104  
(Ramsey County)  
For a term expiring:  
August 1, 1995

Attached are the open appointment application forms and resumes that were filed by each appointee with the Secretary of State's Office.

If you have any questions about the appointments, please call me.

(Referred to the Committee on Metropolitan and Local Government.)

Warm regards,  
Michael J. Ehrlichmann, Chair

May 10, 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. 50, 485 and 848.

Warmest regards,  
Arne H. Carlson, Governor

May 11, 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
	1228	109	2:59 p.m. May 10	May 10
	270	110	3:12 p.m. May 10	May 10
50		111	2:57 p.m. May 10	May 10
485		112	2:57 p.m. May 10	May 10
848		113	2:58 p.m. May 10	May 10
	430	114	2:59 p.m. May 10	May 10
	113	115	2:58 p.m. May 10	May 10
	9	116	2:58 p.m. May 10	May 10
	969	117	3:08 p.m. May 10	May 10

1420  
1720118  
1193:00 p.m. May 10  
3:02 p.m. May 10May 10  
May 10

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 File, herewith returned: S.F. No. 1101.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1993

Mr. President:

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

S.F. No. 413: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited lands that border public water in St. Louis county; authorizing the conveyance of certain Willmar regional treatment center land to Kandiyohi county.

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

Rukavina, Tomassoni and Huntley.

Senate File No. 413 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1993

Mr. President:

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

S.F. No. 1046: A bill for an act relating to crimes; prohibiting persons from interfering with access to medical facilities; prescribing penalties; authorizing civil and equitable remedies; amending Minnesota Statutes 1992, section 488A.101; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Orenstein, McGuire and Weaver.

Senate File No. 1046 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1993

Mr. President:

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

S.F. No. 1074: A bill for an act relating to natural resources; management of state-owned lands by the department of natural resources; deletion of land from Moose Lake state recreation area; private use of state trails; appropriating money; amending Minnesota Statutes 1992, sections 84.0273; 84.632; 85.015, by adding a subdivision; 86A.05, subdivision 14; 92.06, subdivision 1; 92.14, subdivision 2; 92.19; 92.29; 92.67, subdivision 5; 94.10; 94.11; 94.13; 94.343, subdivision 3; 94.348, subdivision 2; and 97A.135, subdivision 2, and by adding a subdivision.

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

Sekhon; Johnson, V. and Munger.

Senate File No. 1074 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1993

Mr. President:

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

S.F. No. 1105: A bill for an act relating to health; extending the expiration date of certain advisory councils and committees; modifying provisions relating to lead abatement; changing regulation provisions for hotels, resorts, restaurants, and manufactured homes; providing penalties; amending Minnesota Statutes 1992, sections 15.059, subdivision 5; 144.73, subdivision 3; 144.871, subdivisions 2, 6, 7a, and by adding subdivisions; 144.872, subdivision 2; 144.873, subdivision 2; 144.874, subdivisions 1, 3, 4, and 6; 144.878, subdivisions 2 and 5; 157.01, subdivision 1; 157.03; 157.08; 157.081, subdivision 1; 157.09; 157.12; 157.14; 245.97, subdivision 6; 327.10; 327.11; 327.16, subdivision 5; 327.20, subdivision 1; 327.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 144; and 157; repealing Minnesota Statutes 1992, sections 144.8721; 144.874, subdivision 10; 144.878, subdivision 2a; and 157.05, subdivisions 2 and 3.

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

Simoneau; Johnson, A. and Ozment.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1993

Mr. President:

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

S.F. No. 1275: A bill for an act relating to the environment; providing protection from liability for releases of hazardous substances to lenders and owners for redevelopment of property under an approved cleanup plan; providing authority to issue determinations regarding association with a release; amending Minnesota Statutes 1992, section 115B.175, subdivisions 4, 7, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 115B.

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

Wagenius, Hausman and Weaver.

Senate File No. 1275 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1993

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1620, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1620: A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government; providing for the transfer of certain money in the state treasury; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; amending Minnesota Statutes 1992, sections 8.15; 15.38, by adding a subdivision; 15.50, by adding a subdivision; 15A.083, by adding a subdivision; 196.051, subdivision 3; 196.054, subdivision 2; 198.16; 270.063; 303.13, subdivision 1; 303.21, subdivision 3; 322A.16; 333.20, subdivision 4; 333.22, subdivision 1; 336.9-403; 336.9-404; 336.9-405; 336.9-406; 336.9-407; 336.9-413; 336A.04, subdivision 3; 336A.09, subdivision 2; 349A.10, subdivision 5; 357.021, subdivisions 1a and 2; 357.022; 357.08; 357.18, subdivision 3; 386.61, by adding a subdivision; 386.65; 386.66; 386.67; 386.68; 386.69; 508.82; 508A.82; and 593.48; Laws 1989, chapter 335, article 3, section 44, as amended; proposing coding for new law in Minnesota Statutes, chapters 129D; 386; and 609; repealing Minnesota Statutes 1992, sections 386.61, subdivision 3; 386.63; 386.64; and 386.70.

Senate File No. 1620 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1993

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1613, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1613: A bill for an act relating to the organization and operation of state government; appropriating money for the departments of labor and industry, public service, jobs and training, housing finance, and other purposes with certain conditions; establishing and modifying certain programs; providing penalties; amending Minnesota Statutes 1992, sections 16B.06, subdivision 2a; 116J.617; 116J.982; 179.02, by adding a subdivision; 239.011, subdivision 2; 239.10; 239.791, subdivisions 6 and 8; 268.022, subdivision 2; 268.975, subdivisions 3, 4, 6, 7, 8, and by adding subdivisions; 268.976, subdivision 2; 268.978, subdivision 1; 268.98; and 462A.21, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116J; 116M; 239; 268; and 462A; repealing Minnesota Statutes 1992, sections 116J.982, subdivisions 6a, 8, and 9; 239.05, subdivision 2c; 239.52; 239.78; 268.977; and 268.978, subdivision 3.

Senate File No. 1613 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1993

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1201, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

Senate File No. 1201 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1993

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1245:

H.F. No. 1245: A bill for an act relating to data practices; providing for the collection, classification, and dissemination of data; proposing classifications of data as not public; classifying certain licensing data, educational data, security service data, motor carrier operating data, retirement data and other forms of data; amending Minnesota Statutes 1992, sections 13.32, subdivisions 1, 3, and 6; 13.41, subdivision 4; 13.43, subdivision 2; 13.46, subdivisions 1, 2, and 4; 13.643; 13.692; 13.72, by adding a subdivision; 13.792; 13.82, subdivisions 4, 6, and 10; 13.99, subdivision 24, and by adding subdivisions; 115A.93, by adding a subdivision; 144.335, subdivision 3a, and by adding a subdivision; 151.06, by adding a subdivision; 169.09, subdivisions 7 and 13; 245A.04, subdivisions 3 and 3a; 260.161, subdivisions 1 and 3; 270B.14, subdivision 1, and by adding a subdivision; 299L.03, by adding a subdivision; and 626.556, subdivisions 11 and 11c; proposing coding for new law in Minnesota Statutes, chapters 6; 13; and 144; repealing Minnesota Statutes 1992, sections 13.644; and 13.82, subdivision 5b.

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

McGuire, Carruthers and Macklin have been appointed as such committee on the part of the House.

House File No. 1245 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 11, 1993

Ms. Ranum moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1245, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1524:

H.F. No. 1524: A bill for an act relating to taxation; providing conditions and requirements for the issuance of public debt and for the financial obligations of authorities; providing an exemption from the mortgage registration tax; providing an exemption from an ad valorem taxation for certain lease purchase property; providing a property tax exemption for certain property devoted to public use; amending Minnesota Statutes 1992, sections

80A.12, by adding a subdivision; 275.065, subdivision 7; 287.04; 447.45, subdivision 2; 475.67, subdivisions 3 and 13; and 501B.25; repealing Minnesota Rules, part 2875.3532.

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

Rest, Dehler and Wagenius have been appointed as such committee on the part of the House.

House File No. 1524 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 11, 1993

Mr. Pogemiller moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1524, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

### REPORTS OF COMMITTEES

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

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

H.F. No. 10: A bill for an act relating to education; establishing a youth apprenticeship program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 126.

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

Delete everything after the enacting clause and insert:

“Section 1. [126B.01] [PURPOSE.]

*To better prepare all learners to make transitions between education and employment, a comprehensive system is established to:*

*(1) assist individuals in planning their futures by providing counseling and information about career opportunities;*

*(2) integrate opportunities for work-based learning, including occupation-specific apprenticeship programs, into the curriculum;*

*(3) promote the efficient use of public and private resources by coordinating elementary, secondary, and post-secondary education with related government programs; and*

*(4) expand educational options available to students through collaborative efforts between secondary institutions, post-secondary institutions, business, industry, labor, and other interested parties.*

Sec. 2. [126B.02] [EDUCATION TO EMPLOYMENT TRANSITIONS COUNCIL.]



(a) *The education to employment transitions council is composed of the governor or the governor's designee, the commissioner of education, the commissioner of labor and industry, the commissioner of human services, the commissioner of jobs and training, the chancellor of the community college system, the chancellor of the technical college system, a representative of the higher education coordinating board selected by the board, the executive director of the state council of vocational technical education, a representative of business appointed by the governor, a representative of organized labor appointed by the governor, and a representative of Minnesota Technology, Inc., appointed by Minnesota Technology, Inc.*

(b) *The council shall:*

(1) *identify changes that must be made in post-secondary guidance and counselor preparation programs to facilitate workforce development;*

(2) *identify means of implementing career awareness and counseling at the elementary level, secondary level, and post-secondary level;*

(3) *ensure that graduation standards are met;*

(4) *identify means of using labor market forecasting to assist individuals engaged in career counseling;*

(5) *delineate the role of elementary schools, secondary schools, post-secondary institutions, employers, state agencies, and organized labor in the activities under this act;*

(6) *develop plans to meet the unique needs of sparsely populated areas in establishing a comprehensive youth apprenticeship program;*

(7) *develop plans to meet the unique needs of metropolitan areas in establishing a comprehensive youth apprenticeship program;*

(8) *advise the department of education concerning the implementation of a comprehensive youth apprenticeship program;*

(9) *approve industry and occupational skill standards recommended by the skills standards committees; and*

(10) *ensure that the comprehensive youth apprenticeship program established is consistent with state and federal education, labor, and job training policies including chapter 178 as it applies to youth apprenticeship.*

### **Sec. 3. [126B.03] [COMPREHENSIVE YOUTH APPRENTICESHIP PROGRAM.]**

(a) *The department of education, under the auspices of the education to employment transitions council, shall establish a comprehensive youth apprenticeship program to better prepare all learners to make transitions between education and employment.*

(b) *A comprehensive youth apprenticeship program:*

(1) *includes an organized sequence of career awareness, career information, and career counseling activities, beginning in the elementary grades and progressing through a student's high school years;*

(2) *is available to high school juniors and seniors who meet the criteria established by a particular apprenticeship program;*

(3) provides a continuous curricular sequence that integrates academic and technical preparation with work-based learning, and a year-round employment experience;

(4) provides an industry-approved work-based learning and year-round employment experience;

(5) provides ongoing feedback to the student on the student's performance in both the academic and work-based learning components of the program; and

(6) allows a student to participate in the program for two to four years.

(c) Students participating in a two-year program must receive a high school diploma and an industry-approved occupational credential, and have the following options: entry-level employment, eligibility for advanced placement in a voluntary apprenticeship program, or admission to a post-secondary institution. Students participating in the four-year program must receive an associate degree and an industry-approved occupational credential.

**Sec. 4. [126B.04] [INDUSTRY AND OCCUPATIONAL SKILLS STANDARDS COMMITTEES.]**

(a) The education to employment transitions council shall establish and convene committees to develop and recommend industry and occupational skill standards for the industries in which apprentices are placed.

(b) Committee membership must consist of industry and trade representatives, employer representatives, and educators familiar with the skills, knowledge, and competencies of the industry. The council shall determine the membership of each committee it establishes.

(c) Each committee shall:

(1) establish the terms of each apprenticeship experience including a probationary period;

(2) identify the current and future skill needs of occupations selected for inclusion in the apprenticeship program;

(3) make recommendations on compensation for students participating in the program;

(4) delineate the eligibility criteria that must be met by applicants to a youth apprenticeship program;

(5) identify how a student's abilities will be assessed upon admission to the program, during the program, and at the conclusion of the program;

(6) specify the courses a student must take and the duration and nature of the worksite experience;

(7) determine the components of the training program for industry trainers;

(8) identify job sites for apprenticeships within each industry;

(9) establish competencies that must be demonstrated by student apprentices upon completion of the program;

(10) delineate means of integrating academic and technical preparation into youth apprenticeship programs; and

(11) develop an agreement to be signed by each participant that delineates, at a minimum:

(i) the goals a student must meet as a condition of successfully completing the program;

(ii) the manner in which a student's performance will be evaluated;

(iii) a timetable of program activities;

(iv) services and experiences to be provided by the employer; and

(v) the terms of the apprenticeship experience.

**Sec. 5. [126B.05] [PILOT COMPREHENSIVE YOUTH APPRENTICESHIP PROGRAMS.]**

The department of education shall award up to five planning and implementation grants to establish comprehensive youth apprenticeship programs. The commissioner of education, with the assistance of the education to employment transitions council, shall establish criteria for evaluating grant proposals. The criteria established must include the components outlined in section 3. The commissioner of education shall develop and publicize the grant application process. The education to employment transitions council shall review and comment on the proposals submitted.

When the youth apprenticeship program is implemented student funding must be determined according to section 123.3514.

**Sec. 6. [126B.06] [GENERAL PROVISIONS.]**

(a) All state and federal laws relating to workplace health and safety apply to youth apprenticeships.

(b) The employment of a youth apprentice may not displace or cause any reduction in the number of nonovertime hours worked, wages, or benefits of a currently employed worker.

**Sec. 7. [126B.07] [ENTREPRENEUR SCHOLARSHIP PROGRAM.]**

An entrepreneur scholarship program is established. The higher education coordinating board may provide grants to a student or a group of students to facilitate the integration of academic and entrepreneurial skills. Each Minnesota public post-secondary campus must receive a grant for an entrepreneur scholarship.

**Sec. 8. [126B.08] [ELIGIBILITY.]**

To be eligible to receive a grant, a student must:

(1) be a resident of the state of Minnesota;

(2) be enrolled at least half time at a Minnesota public post-secondary campus; and

(3) submit a proposal to a knowledgeable review committee selected by the president of each Minnesota public post-secondary campus describing the entrepreneurial project to be undertaken.

**Sec. 9. [126B.09] [PROPOSAL CONTENT.]**

*A proposal submitted by a student or group of students under section 8 must be evaluated using the following criteria:*

*(1) the prospect for job creation if the proposal were implemented on a broad scale basis;*

*(2) the degree of creativity demonstrated in development of the project;*

*(3) the potential success of the project;*

*(4) demonstration of the practical application of academic knowledge; and*

*(5) the originality of the project.*

#### Sec. 10. [DEVELOPMENT OF CRITERIA.]

*The commissioner of education shall develop the criteria required by section 5 by September 1, 1993.*

#### Sec. 11. [APPROPRIATION.]

*\$1,000,000 is appropriated from the general fund to the commissioner of education for the education and employment transitions council to develop and implement comprehensive youth apprenticeship programs under section 5, to be available until June 30, 1995."*

Delete the title and insert:

*"A bill for an act relating to education; establishing a comprehensive youth apprenticeship system; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 126B."*

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

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

H.F. No. 777 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.
777	612				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 777 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 777 and insert the language after the enacting clause of S.F. No. 612, the second engrossment; further, delete the title of H.F. No. 777 and insert the title of S.F. No. 612, the second engrossment.

And when so amended H.F. No. 777 will be identical to S.F. No. 612, and further recommends that H.F. No. 777 be given its second reading and substituted for S.F. No. 612, 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. 1529 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.
1529	1				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1529 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1529 and insert the language after the enacting clause of S.F. No. 1, the second engrossment; further, delete the title of H.F. No. 1529 and insert the title of S.F. No. 1, the second engrossment.

And when so amended H.F. No. 1529 will be identical to S.F. No. 1, and further recommends that H.F. No. 1529 be given its second reading and substituted for S.F. No. 1, 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. 1149 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.
1149	861				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1149 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1149 and insert the language after the enacting clause of S.F. No. 861, the second engrossment; further, delete the title of H.F. No. 1149 and insert the title of S.F. No. 861, the second engrossment.

And when so amended H.F. No. 1149 will be identical to S.F. No. 861, and further recommends that H.F. No. 1149 be given its second reading and substituted for S.F. No. 861, 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. 10, 777, 1529 and 1149 were read the second time.

## MOTIONS AND RESOLUTIONS

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1062 a Special Order to be heard immediately.

## SPECIAL ORDER

S.F. No. 1062: A bill for an act relating to metropolitan government and urban planning; clarifying the applicability of comprehensive plans that conflict with official controls; establishing a metropolitan radio systems planning committee under the metropolitan council; amending Minnesota Statutes 1992, sections 462.357, subdivision 2; 473.858, subdivision 1; and 473.865, subdivision 1.

Mr. Mondale moved to amend S.F. No. 1062 as follows:

Page 1, after line 10, insert:

“Section 1. Minnesota Statutes 1992, section 275.065, subdivision 3, is amended to read:

Subd. 3. [NOTICE OF PROPOSED PROPERTY TAXES.] (a) The county auditor shall prepare and the county treasurer shall deliver after November 10 and on or before November 24 each year, by first class mail to each taxpayer at the address listed on the county's current year's assessment roll, a notice of proposed property taxes and, in the case of a town, final property taxes.

(b) The commissioner of revenue shall prescribe the form of the notice.

(c) The notice must inform taxpayers that it contains the amount of property taxes each taxing authority other than a town proposes to collect for taxes payable the following year and, for a town, the amount of its final levy. It must clearly state that each taxing authority, ~~other than a town or special taxing district~~ *including each metropolitan special taxing district as defined in paragraph (i), but excluding all other special taxing districts and towns*, will hold a public meeting to receive public testimony on the proposed budget and proposed or final property tax levy, or, in case of a school district, on the current budget and proposed property tax levy. It must clearly state the time and place of each taxing authority's meeting and an address where comments will be received by mail.

(d) The notice must state for each parcel:

(1) the market value of the property as defined under section 272.03, subdivision 8, for property taxes payable in the following year and for taxes payable the current year; and, in the case of residential property, whether the property is classified as homestead or nonhomestead. The notice must clearly inform taxpayers of the years to which the market values apply and that the values are final values;

(2) by county, city or town, school district, ~~the sum of the aggregate of all metropolitan special taxing districts as defined in paragraph (i), and for all other special taxing districts a total,~~ and as a total of the taxing authorities, including all special taxing districts, the proposed or, for a town, final net tax on the property for taxes payable the following year and the actual tax for taxes payable the current year. In the case of a parcel where tax increment or the fiscal disparities areawide tax applies, the proposed tax levy on the captured value or the proposed tax levy on the tax capacity subject to the areawide tax must each be stated separately and not included in the sum of the special taxing districts; and

(3) the increase or decrease in the amounts in clause (2) from taxes payable in the current year to proposed or, for a town, final taxes payable the following year, expressed as a dollar amount and as a percentage.

(e) The notice must clearly state that the proposed or final taxes do not include the following:

(1) special assessments;

(2) levies approved by the voters after the date the proposed taxes are certified, including bond referenda, school district levy referenda, and levy limit increase referenda;

(3) amounts necessary to pay cleanup or other costs due to a natural disaster occurring after the date the proposed taxes are certified;

(4) amounts necessary to pay tort judgments against the taxing authority that become final after the date the proposed taxes are certified; and

(5) any additional amount levied in lieu of a local sales and use tax, unless this amount is included in the proposed or final taxes.

(f) Except as provided in subdivision 7, failure of the county auditor to prepare or the county treasurer to deliver the notice as required in this section does not invalidate the proposed or final tax levy or the taxes payable pursuant to the tax levy.

(g) If the notice the taxpayer receives under this section lists the property as nonhomestead and the homeowner provides satisfactory documentation to the county assessor that the property is owned and has been used as the owner's homestead prior to June 1 of that year, the assessor shall reclassify the property to homestead for taxes payable in the following year.

(h) In the case of class 4 residential property used as a residence for lease or rental periods of 30 days or more, the taxpayer must either:

(1) mail or deliver a copy of the notice of proposed property taxes to each tenant, renter, or lessee; or

(2) post a copy of the notice in a conspicuous place on the premises of the property.

(i) For purposes of this subdivision, subdivisions 5a, and 6, "metropolitan special taxing districts" means the following taxing districts in the seven-county metropolitan area that levy a property tax for any of the specified purposes listed below:

(1) metropolitan council under section 473.132, 473.167, 473.249, 473.325, 473.521, 473.547, or 473.834;

(2) *metropolitan airports commission under section 473.667, 473.671, or 473.672;*

(3) *metropolitan transit district under section 473.446;*

(4) *metropolitan mosquito control commission under section 473.711; and*

(5) *levies made by the regional railroad authorities in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington under section 398A.04 or 398A.07.*

The notice must be mailed or posted by the taxpayer by November 27 or within three days of receipt of the notice, whichever is later. A taxpayer may notify the county treasurer of the address of the taxpayer, agent, caretaker, or manager of the premises to which the notice must be mailed in order to fulfill the requirements of this paragraph.

Sec. 2. Minnesota Statutes 1992, section 275.065, subdivision 5a, is amended to read:

Subd. 5a. [PUBLIC ADVERTISEMENT.] (a) A city that has a population of more than 1,000, county, *the metropolitan special taxing districts as defined in subdivision 3, paragraph (i)*, or school district shall advertise in a newspaper a notice of its intent to adopt a budget and property tax levy or, in the case of a school district, to review its current budget and proposed property taxes payable in the following year, at a public hearing. The notice must be published not less than two business days nor more than six business days before the hearing.

For a city that has a population of more than 1,000 but less than 2,500, *the metropolitan special taxing districts as defined in subdivision 3, paragraph (i)*, the advertisement must be at least one-eighth page in size of a standard-size or a tabloid-size newspaper. The first headline in the advertisement stating the notice of proposed property taxes and the notice of public hearing must be in a type no smaller than 14-point, and the second headline must be in a type no smaller than 12-point. The text of the advertisement must be no smaller than 10-point, except that the property tax amounts and percentages may be in 9-point type.

For a city that has a population of 2,500 or more, a county or a school district, the first headline in the advertisement stating the notice of proposed property taxes and the notice of public hearing must be in a type no smaller than 30-point, and the second headline must be in a type no smaller than 22-point. The text of the advertisement must be no smaller than 14-point, except that the property tax amounts and percentages may be in 12-point type.

The advertisement must not be placed in the part of the newspaper where legal notices and classified advertisements appear. The advertisement must be published in an official newspaper of general circulation in the taxing authority. The newspaper selected must be one of general interest and readership in the community, and not one of limited subject matter. The advertisement must appear in a newspaper that is published at least once per week.

(b) The advertisement must be in the following form, except that the notice for a school district may include references to the current budget in regard to proposed property taxes.



"NOTICE OF  
PROPOSED PROPERTY TAXES  
(City/County/School District/Metropolitan  
Special Taxing Districts) of .....

The governing body of ..... will soon hold budget hearings and vote on the property taxes for (city/county/metropolitan special taxing districts services that will be provided in 199—/school district services that will be provided in 199— and 199—).

NOTICE OF PUBLIC HEARING:

All concerned citizens are invited to attend a public hearing and express their opinions on the proposed (city/county/school district/metropolitan special taxing districts) budget and property taxes, or in the case of a school district, its current budget and proposed property taxes, payable in the following year. The hearing will be held on (Month/Day/Year) at (Time) at (Location, Address)."

(c) A city with a population of 1,000 or less must advertise by posted notice as defined in section 645.12, subdivision 1. The advertisement must be posted at the time provided in paragraph (a). It must be in the form required in paragraph (b).

(d) For purposes of this subdivision, the population of a city is the most recent population as determined by the state demographer under section 4A.02.

Sec. 3. Minnesota Statutes 1992, section 275.065, subdivision 6, is amended to read:

Subd. 6. [PUBLIC HEARING; ADOPTION OF BUDGET AND LEVY.] Between November 29 and December 20, the governing bodies of the city ~~and, county, and metropolitan special taxing districts as defined in subdivision 3, paragraph (i),~~ shall each hold a public hearing to adopt its final budget and property tax levy for taxes payable in the following year, and the governing body of the school district shall hold a public hearing to review its current budget and adopt its property tax levy for taxes payable in the following year. *The hearing conducted by the metropolitan taxing districts shall be a joint hearing comprised of all of the taxing districts.*

At the hearing, the taxing authority, other than a school district, may amend the proposed budget and property tax levy and must adopt a final budget and property tax levy, and the school district may amend the proposed property tax levy and must adopt a final property tax levy.

The property tax levy certified under section 275.07 by a city, county, metropolitan special taxing district, or school district must not exceed the proposed levy determined under subdivision 1, except by an amount up to the sum of the following amounts:

(1) the amount of a school district levy whose voters approved a referendum to increase taxes under section 124.82, subdivision 3, 124A.03, subdivision

2, 124B.03, subdivision 2, or 136C.411, after the proposed levy was certified;

(2) the amount of a city or county levy approved by the voters after the proposed levy was certified;

(3) the amount of a levy to pay principal and interest on bonds issued or approved by the voters under section 475.58 after the proposed levy was certified;

(4) the amount of a levy to pay costs due to a natural disaster occurring after the proposed levy was certified, if that amount is approved by the commissioner of revenue under subdivision 6a;

(5) the amount of a levy to pay tort judgments against a taxing authority that become final after the proposed levy was certified, if the amount is approved by the commissioner of revenue under subdivision 6a; and

(6) the amount of an increase in levy limits certified to the taxing authority by the commissioner of revenue or the commissioner of education after the proposed levy was certified.

At the hearing the percentage increase in property taxes proposed by the taxing authority, if any, and the specific purposes for which property tax revenues are being increased must be discussed. During the discussion, the governing body shall hear comments regarding a proposed increase and explain the reasons for the proposed increase. The public shall be allowed to speak and to ask questions prior to adoption of any measures by the governing body. The governing body, other than the governing body of a school district, shall adopt its final property tax levy prior to adopting its final budget.

If the hearing is not completed on its scheduled date, the taxing authority must announce, prior to adjournment of the hearing, the date, time, and place for the continuation of the hearing. The continued hearing must be held at least five business days but no more than 14 business days after the original hearing.

The hearing must be held after 5:00 p.m. if scheduled on a day other than Saturday. No hearing may be held on a Sunday. The governing body of a county shall hold its hearing on the second Tuesday in December each year. The county auditor shall provide for the coordination of hearing dates for all cities and school districts within the county.

By August 15 10, each school board shall certify to the county auditors of the counties in which the school district is located the dates on which it elects to hold its hearings and any continuations. If a school board does not certify the dates by August 15 10, the auditor will assign the hearing date. The dates elected or assigned must not conflict with the county hearing dates. *The county auditor shall coordinate with the finance official of each metropolitan special taxing district as defined in subdivision 3, paragraph (i), a date on which the metropolitan special taxing districts will hold their public hearing and any continuation.* By August 20, the county auditor shall notify the clerks of the cities within the county of the dates on which school districts and metropolitan special taxing districts have elected to hold their hearings. At the time a city certifies its proposed levy under subdivision 1 it shall certify the dates on which it elects to hold its hearings and any continuations. The city must not select dates that conflict with the county hearing dates, the

*metropolitan special taxing district date*, or with those elected by or assigned to the school districts in which the city is located.

The county hearing dates and the city, *metropolitan special taxing district*, and school district hearing dates must be designated on the notices required under subdivision 3. The continuation dates need not be stated on the notices.

This subdivision does not apply to towns and special taxing districts.

Sec. 4. Minnesota Statutes 1992, section 276.04, subdivision 2, is amended to read:

Subd. 2. [CONTENTS OF TAX STATEMENTS.] (a) The treasurer shall provide for the printing of the tax statements. The commissioner of revenue shall prescribe the form of the property tax statement and its contents. The statement must contain a tabulated statement of the dollar amount due to each taxing authority from the parcel of real property for which a particular tax statement is prepared. The dollar amounts due the county, township or municipality and school district, and the aggregate of all metropolitan special taxing districts as defined in section 275.065, subdivision 3, paragraph (i), must be separately stated. The amounts due all other special taxing districts, if any, may be aggregated. The dollar amounts, including the dollar amount of any special assessments, may be rounded to the nearest even whole dollar. For purposes of this section whole odd-numbered dollars may be adjusted to the next higher even-numbered dollar. The statement shall include the following sentence, printed in upper case letters in boldface print: "THE STATE OF MINNESOTA DOES NOT RECEIVE ANY PROPERTY TAX REVENUES. THE STATE OF MINNESOTA REDUCES YOUR PROPERTY TAX BY PAYING CREDITS AND REIMBURSEMENTS TO LOCAL UNITS OF GOVERNMENT."

(b) The property tax statements for manufactured homes and sectional structures taxed as personal property shall contain the same information that is required on the tax statements for real property.

(c) Real and personal property tax statements must contain the following information in the order given in this paragraph. The information must contain the current year tax information in the right column with the corresponding information for the previous year in a column on the left:

(1) the property's estimated market value as defined in section 272.03, subdivision 8;

(2) the property's gross tax, calculated by multiplying the property's gross tax capacity times the total local tax rate and adding to the result the sum of the aids enumerated in clause (3);

(3) a total of the following aids:

(i) education aids payable under chapters 124 and 124A;

(ii) local government aids for cities, towns, and counties under chapter 477A; and

(iii) disparity reduction aid under section 273.1398;

(4) for homestead residential and agricultural properties, the homestead and agricultural credit aid apportioned to the property. This amount is obtained by multiplying the total local tax rate by the difference between the property's

gross and net tax capacities under section 273.13. This amount must be separately stated and identified as "homestead and agricultural credit." For purposes of comparison with the previous year's amount for the statement for taxes payable in 1990, the statement must show the homestead credit for taxes payable in 1989 under section 273.13, and the agricultural credit under section 273.132 for taxes payable in 1989;

(5) any credits received under sections 273.119; 273.123; 273.135; 273.1391; 273.1398, subdivision 4; 469.171; and 473H.10, except that the amount of credit received under section 273.135 must be separately stated and identified as "taconite tax relief";

(6) the net tax payable in the manner required in paragraph (a); and

(7) any additional amount of tax authorized under sections 124A.03, subdivision 2a, and 275.61. These amounts shall be listed as "voter approved referenda levies."

The commissioner of revenue shall certify to the county auditor the actual or estimated aids enumerated in clauses (3) and (4) that local governments will receive in the following year. In the case of a county containing a city of the first class, for taxes levied in 1991, and for all counties for taxes levied in 1992 and thereafter, the commissioner must certify this amount by September 1."

Page 2, after line 3, insert:

"Sec. 6. Minnesota Statutes 1992, section 473.13, subdivision 1, is amended to read:

Subdivision 1. [BUDGET.] On or before ~~October 4~~ *December 20* of each year the council, ~~after a~~ *at the public hearing required in section 275.065,* shall adopt a *final* budget covering its anticipated receipts and disbursements for the ensuing year and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget. The budget shall state in detail the expenditures for each program to be undertaken, including the expenses for salaries, consultant services, overhead, travel, printing, and other items. The budget shall state in detail the capital expenditures of the council for the budget year, based on a five-year capital program adopted by the council and transmitted to the legislature. After adoption of the budget, an increase of over \$10,000 in the council's budget, a program or department budget, or a budget item, must be approved by the council before the increase is allowed or the funds obligated. After adoption of the budget and no later than ~~October 4~~ *five working days after December 20,* the council shall certify to the auditor of each metropolitan county the share of the tax to be levied within that county, which must be an amount bearing the same proportion to the total levy agreed on by the council as the net tax capacity of the county bears to the net tax capacity of the metropolitan area. The maximum amount of any levy made for the purpose of this chapter may not exceed the limits set by sections 473.167 and 473.249.

Sec. 7. Minnesota Statutes 1992, section 473.1623, subdivision 3, is amended to read:

Subd. 3. [FINANCIAL REPORT.] By ~~December~~ *February* 15 of even-numbered years, the council, in consultation with the advisory committee, shall publish a consolidated financial report for the council and all metropolitan agencies and their functions, services, and systems. The financial report

must cover the calendar year in which the report is published and the ~~two~~ *three* years preceding and ~~three~~ *two* years succeeding that year. The financial report must contain the following information, for each agency, function, or system, respectively, and in the aggregate, in a consistent format that allows comparison over time and among agencies in expenditure and revenue categories:

- (1) financial policies, goals, and priorities;
- (2) levels and allocation of public expenditure, including capital, debt, operating, and pass-through funds, stated in the aggregate and by appropriate functional, programmatic, administrative, and geographic categories, and the changes in expenditure levels and allocations that the report represents;
- (3) the resources available under existing fiscal policy;
- (4) additional resources, if any, that are or may be required;
- (5) changes in council or agency policies on regional sources of revenue and in levels of debt, user charges, and taxes;
- (6) other changes in existing fiscal policy, on regional revenues and intergovernmental aids respectively, that are expected or that have been or may be recommended by the council or the respective agencies;
- (7) an analysis that links, as far as practicable, the uses of funds and the sources of funds, by appropriate categories and in the aggregate;
- (8) a description of how the fiscal policies effectuate current policy and implementation plans of the council and agencies concerned; and
- (9) a summary of significant changes in council and agency finance and an analysis of fiscal trends.

The council shall present the report for discussion and comment at a public meeting in the metropolitan area and request, in writing, an opportunity to make presentations on the report before appropriate committees of the legislature.

Sec. 8. Minnesota Statutes 1992, section 473.167, subdivision 4, is amended to read:

Subd. 4. [STATE REVIEW.] The council must certify its *proposed* property tax levy to the commissioner of revenue by ~~August 4~~ *September 15* of the levy year. The commissioner of revenue shall annually determine whether the property tax for the right-of-way acquisition loan fund certified by the metropolitan council for levy following the adoption of its *proposed* budget is within the levy limitation imposed by this section. The determination must be completed prior to ~~September~~ *November 1* of each year. If current information regarding market valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current market valuation within that county for purposes of making the calculation.

Sec. 9. Minnesota Statutes 1992, section 473.249, subdivision 2, is amended to read:

Subd. 2. The council must certify its *proposed* property tax levy to the commissioner of revenue by ~~August 4~~ *September 15* of the levy year. The commissioner of revenue shall annually determine whether the ad valorem property tax certified by the metropolitan council for levy following the

adoption of its *proposed* budget is within the levy limitation imposed by this section. The determination shall be completed prior to ~~September~~ November 1 of each year. If current information regarding gross tax capacity in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current gross tax capacity within that county for purposes of making the calculation."

Page 6, after line 23, insert:

*"Sections 1 to 3 are effective for levies proposed in 1993, payable in 1994, and thereafter. Section 4 is effective for the property tax statements for taxes levied in 1993, payable in 1994, and thereafter."*

Page 6, line 24, delete *"This act is"* and insert *"Sections 5 and 10 to 17 are"*

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "providing that certain special taxing districts are subject to the truth in taxation provisions; making metropolitan council budget and levy certification dates consistent with the truth in taxation provisions;"

Page 1, line 7, after "sections" insert "275.065, subdivision 3, 5a, and 6; 276.04, subdivision 2;"

Page 1, line 8, after the first semicolon, insert "473.13, subdivision 1; 473.1623, subdivision 3; 473.167, subdivision 4; 473.249, subdivision 2;"

Ms. Kiscaden questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mrs. Pariseau moved to amend S.F. No. 1062 as follows:

Pages 1 and 2, delete sections 1 to 3

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, delete line 4

Page 1, line 5, delete "controls;"

Page 1, line 6, delete the semicolon and insert a period

Page 1, delete lines 7 to 9

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 28, as follows:

Those who voted in the affirmative were:

Beckman	Dille	Laidig	Metzen	Runbeck
Belanger	Frederickson	Langseth	Neuville	Stevens
Benson, D.D.	Hanson	Larson	Oliver	Terwilliger
Benson, J.E.	Johnson, D.E.	Lesewski	Olson	Vickerman
Berg	Johnston	Lessard	Pariseau	
Chmielewski	Kiscaden	McGowan	Price	
Day	Knutson	Merriam	Robertson	

Those who voted in the negative were:

Adkins	Cohen	Kelly	Morse	Samuelson
Anderson	Finn	Kroening	Murphy	Solon
Berglin	Flynn	Luther	Novak	Spear
Bertram	Janezich	Marty	Piper	Wiener
Betzold	Johnson, D.J.	Moe, R.D.	Ranum	
Chandler	Johnson, J.B.	Mondale	Sams	

The motion prevailed. So the amendment was adopted.

S.F. No. 1062 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 18, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson, D.D.	Frederickson	Laidig	Oliver	Stevens
Benson, J.E.	Johnson, D.E.	Lescwski	Olson	Terwilliger
Day	Johnston	McGowan	Pariseau	
Dille	Knutson	Neuville	Runbeck	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 514 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 514: A bill for an act relating to the environment; providing for passive bioremediation; providing for review of agency employee decisions; increasing membership of petroleum tank release compensation board; establishing a fee schedule of costs or criteria for evaluating reasonableness of costs submitted for reimbursement; modifying petroleum tank release cleanup fee; modifying reimbursements; modifying consultant and contractor registration requirements; authorizing board to delegate its reimbursement powers and duties to the commissioner of commerce; requiring a report; authorizing rulemaking; appropriating money; amending Minnesota Statutes 1992, sections 115C.02, subdivisions 10 and 14; 115C.03, by adding subdivisions; 115C.07, subdivisions 1, 2, and 3; 115C.08, subdivisions 1, 2, 3, and 4; 115C.09, subdivisions 1, 3, 3a, 3c, and by adding a subdivision; and 115C.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115C; repealing Minnesota Statutes 1992, sections 115C.01; 115C.02; 115C.021; 115C.03; 115C.04; 115C.045; 115C.05; 115C.06; 115C.065; 115C.07; 115C.08; 115C.09; 115C.10; 115C.11; and 115C.12.

Mr. Novak moved to amend H.F. No. 514, the unofficial engrossment, as follows:

Page 12, after line 20, insert:

“Sec. 20. Minnesota Statutes 1992, section 116I.07, subdivision 2, is amended to read:

Subd. 2. [NOTICE REQUIREMENT.] ~~An owner or lessee of any real property, or A person acting with the authority of an owner or lessee, who installs or repairs agricultural drainage tile on that property shall be relieved of liability as provided in subdivision 1 only if that owner, lessee or other person acting with authority notifies the designated agent of the owner or operator of the pipeline of the intention to install or repair drainage tile on the property at least seven days before that work commences. An owner or operator of a pipeline shall provide to the county auditor of each county in which that pipeline is located the name, address and phone number of the individual to whom notice shall be given as provided in this subdivision. Notice is effective if made in writing by certified mail to this designated agent of the owner or operator of the pipeline person gives oral or written notice to the One Call Excavation Notice System in compliance with section 216D.04.~~

Sec. 21. Minnesota Statutes 1992, section 216D.01, subdivision 5, is amended to read:

Subd. 5. [EXCAVATION.] “Excavation” means an activity that moves, removes, or otherwise disturbs the soil by use of a motor, engine, hydraulic or pneumatically powered tool, or machine-powered equipment of any kind, or by explosives. Excavation does not include:

(1) ~~the repair or installation of agricultural drainage tile for which notice has been given as provided by section 116I.07, subdivision 2;~~

(2) the extraction of minerals;

~~(3)~~ (2) the opening of a grave in a cemetery;

(4) (3) normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the road ditch;

~~(5)~~ (4) plowing, cultivating, planting, harvesting, and similar operations in connection with growing crops, trees, and shrubs, unless any of these activities disturbs the soil to a depth of 18 inches or more;

~~(6) landscaping or~~ (5) gardening unless ~~one of the activities it~~ disturbs the soil to a depth of 12 inches or more; or

~~(7)~~ (6) planting of windbreaks, shelterbelts, and tree plantations, unless any of these activities disturbs the soil to a depth of 18 inches or more.

Sec. 22. Minnesota Statutes 1992, section 216D.04, subdivision 1, is amended to read:

Subdivision 1. [NOTICE OF EXCAVATION REQUIRED; CONTENTS.]

(a) Except in an emergency, an excavator ~~or land surveyor shall and a land surveyor may~~ contact the notification center and provide an excavation or location notice at least 48 hours before beginning any excavation or boundary survey, excluding Saturdays, Sundays, and holidays. An excavation or boundary survey begins, for purposes of this requirement, the first time excavation or a boundary survey occurs in an area that was not previously identified by the excavator or land surveyor in an excavation or boundary survey notice.



(b) The excavation or boundary survey notice may be oral or written, and must contain the following information:

(1) the name of the individual providing the excavation or boundary survey notice;

(2) the precise location of the proposed area of excavation or boundary survey;

(3) the name, address, and telephone number of the excavator or land surveyor or excavator's or land surveyor's company;

(4) the excavator's or land surveyor's field telephone number, if one is available;

(5) the type and the extent of the proposed excavation or boundary survey work;

(6) whether or not the discharge of explosives is anticipated; and

(7) the date and time when excavation or boundary survey is to commence.

Sec. 23. Minnesota Statutes 1992, section 299J.06, subdivision 4, is amended to read:

Subd. 4. [TERMS; COMPENSATION; REMOVAL.] The terms, compensation, and removal of members are governed by section 15.0575. ~~The council expires on June 30, 1993.~~

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend H.F. No. 514, the unofficial engrossment, as follows:

Page 14, line 13, strike everything after "(2)"

Page 14, lines 14 and 16, strike the old language

Page 14, line 15, strike "more than" and delete "1,000,000" and strike "gallons of oil or hazardous"

Page 14, line 17, strike "(3)"

Page 14, line 21, strike "(4)" and insert "(3)"

Page 14, line 24, strike "(5)" and insert "(4)"

Page 14, line 26, strike "100,000" and insert "1,000,000"

Page 14, line 30, strike "(6)" and insert "(5)"

Page 14, line 33, strike "(7)" and insert "(6)"

Pages 14 to 18, delete sections 2 to 5 and insert:

"Sec. 2. Minnesota Statutes 1992, section 115E.04, subdivision 4, is amended to read:

Subd. 4. [REVIEW OF PREVENTION AND RESPONSE PLAN.] (a) A person required to show specific preparedness under section 115E.03,

*subdivision 2, must submit a copy of the prevention and response plan must be submitted to any of the commissioners who request it and to an official of a political subdivision with appropriate jurisdiction upon the official's request, or the plan and equipment and material named in the plan may be examined upon the request of an authorized agent of a commissioner or official.*

(b) Upon the request of one or more of the commissioners, a person shall demonstrate the adequacy of prevention and response plans and preparedness measures by conducting announced or unannounced drills, calling persons and organizations named in a prevention and response plan and verifying roles and capabilities, locating and testing response equipment, questioning response personnel, or other means that in the judgment of the requesting commissioner demonstrate preparedness. Before requesting an unannounced drill, the requesting commissioner shall notify the other commissioners that a drill will be requested and invite them to participate in or witness the drill. If an unannounced drill is conducted to the satisfaction of the commissioners, the person conducting the drill may not be required to conduct an additional unannounced drill in the same calendar year.

**Sec. 3. [115E.045] [RESPONSE PLANS FOR TRUCKS AND CERTAIN TANK FACILITIES.]**

*Subdivision 1. [RESPONSE PLAN FOR TRUCKS.] (a) By June 1, 1994, a person who owns or operates trucks or cargo trailer rolling stock transporting an average monthly aggregate total of more than 10,000 gallons of oil or hazardous substances as bulk cargo in this state shall prepare and maintain a prevention and response plan in accordance with this subdivision. The plan must include:*

*(1) the name and business and nonbusiness telephone numbers of the individual or individuals having full authority to implement response action;*

*(2) the telephone number of the local emergency response organizations, as defined in section 299K.01, subdivision 3, if the organizations cannot be reached by calling 911;*

*(3) a description of the type of rolling stock and the maximum potential discharge that could occur from the equipment;*

*(4) the telephone number of the single answering point system established under section 115E.09;*

*(5) the telephone number of an individual or company with adequate personnel and equipment available to respond to a discharge, along with evidence that the individual or company and the individual responsible for preparing the plan have made arrangements for such response;*

*(6) a description of the training that the owner or operator's truck or cargo trailer operators have received in handling hazardous materials and the emergency response information available in the vehicle; and*

*(7) a description of the action that will be taken by a truck or cargo trailer owner or operator in response to a discharge.*

*(b) The response plan must be retained on file at the person's principal place of business.*

**Subd. 2. [RESPONSE PLAN FOR TANK FACILITIES WITH BETWEEN 10,000 AND 1,000,000 GALLONS OF STORAGE.] (a) By June 1, 1994, a**

person who owns or operates a facility that stores more than 10,000 gallons but less than 1,000,000 gallons of oil or hazardous substances shall prepare and maintain a prevention and response plan in accordance with this subdivision. The abbreviated plan must include:

(1) the name and business and nonbusiness telephone numbers of the individual or individuals having full authority to implement response action;

(2) the telephone number of the local emergency response organizations, as defined in section 299K.01, subdivision 3, if the organizations cannot be reached by calling 911;

(3) a description of the facility, tank capacities, spill prevention and secondary containment measures at the facility, and the maximum potential discharge that could occur at the facility;

(4) the telephone number of the single answering point system established under section 115E.09;

(5) documentation that adequate personnel and equipment will be available to respond to a discharge, along with evidence that prearrangements for such response have been made;

(6) a description of the training employees at the facility receive in handling hazardous materials and in emergency response information; and

(7) a description of the action that will be taken by the facility owner or operator in response to a discharge.

(b) The response plan must be retained on file at the person's principal place of business.

**Subd. 3. [NOTICE OF PLAN COMPLETION.]** A person required to prepare a response plan under this section shall notify the commissioner of public safety when the plan has been completed. Upon request, the person shall provide a copy of the plan to the commissioner of the pollution control agency.

**Subd. 4. [AGRICULTURAL CHEMICALS EXEMPT.]** This section does not apply to agricultural chemicals, as defined in section 18D.01, subdivision 3, that are subject to chapter 18B or 18C.

#### **Sec. 4. [115E.11] [DISPOSITION OF PENALTIES.]**

Penalties collected for violations of this chapter or section 115.061 that are related to discharges or threatened discharges of petroleum must be deposited in the state treasury and credited to the petroleum tank release cleanup account."

Page 18, after line 3, insert:

**"Subdivision 1. [LIMITING PENALTIES WHEN APPROPRIATE ACTION IS TAKEN.]** (a) The agency shall not seek or impose penalties against an owner or operator who has failed to report or recover a discharge under section 115.061, if the owner or operator:

(1) submits an acceptable report under subdivision 2 or 3; and

(2) takes appropriate action to correct the discharge.

(b) This section does not affect:

(1) *the obligation of the owner or operator under section 115.061 to recover discharged material once it has been discovered; or*

(2) *the authority of the agency, commissioner, or attorney general to order or compel investigations or corrective actions or to obtain information regarding discharges or releases."*

Page 18, line 4, delete "Subdivision 1" and insert "Subd. 2"

Page 18, line 6, after "facilities" insert ", as defined in section 299J.02,"

Page 18, line 9, delete everything after "discharged" and insert "before July 1, 1993,"

Page 18, line 10, delete "date of this act"

Page 18, line 36, delete "2" and insert "3"

Page 20, delete lines 1 to 14 and insert:

"Sec. 6. Minnesota Statutes 1992, section 299A.50, is amended by adding a subdivision to read:

*Subd. 3. [LONG TERM OVERSIGHT; TRANSITION.] When a regional hazardous materials response team has completed its response to an incident, the commissioner shall notify the commissioner of the pollution control agency, which is responsible for assessing environmental damage caused by the incident and providing oversight of monitoring and remediation of that damage from the time the response team has completed its activities."*

Renumber the sections of article 2 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Morse then moved to amend H.F. No. 514, the unofficial engrossment, as follows:

Page 3, line 29, delete "subdivision 2,"

Page 3, after line 29, insert:

"115C.07 [PETROLEUM TANK RELEASE COMPENSATION BOARD.]

*Subdivision 1. [ESTABLISHMENT.] The petroleum tank release compensation board consists of the commissioner of the pollution control agency, the commissioner of commerce, ~~two representatives~~ one representative from the petroleum industry, one public member, and one ~~representative from the insurance industry~~ person with experience in claims adjustment. The governor shall appoint the members from the insurance and petroleum industry. The filling of positions reserved for industry representatives, vacancies, membership terms, payment of compensation and expenses, and removal of members are governed by section 15.0575. The governor shall designate the chair of the board."*

Page 3, delete lines 33 and 34

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Morse then moved to amend H.F. No. 514, the unofficial engrossment, as follows:

Page 17, after line 32, insert:

“Sec. 5. [115E.061] [RESPONDER IMMUNITY; OIL DISCHARGES.]

*(a) A person identified in section 115E.06, paragraph (a), who is rendering assistance in response to a discharge of oil is not liable for damages that result from actions taken or failed to be taken in the course of rendering care, assistance, or advice in accordance with the national contingency plan under the Oil Pollution Act of 1990, or as directed by the federal on-scene coordinator, the commissioner of the pollution control agency, the commissioner of agriculture, the commissioner of natural resources, or the commissioner of public safety.*

*(b) Paragraph (a) does not apply:*

*(1) to a responsible person under chapter 115B or 115C;*

*(2) with respect to personal injury or wrongful death; or*

*(3) if the person rendering assistance is grossly negligent or engages in willful misconduct.”*

Renumber the sections of article 2 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 514 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Ms. Robertson voted in the negative.

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

Mr. Luther moved that H.F. No. 1042 be made a Special Order for immediate consideration. The motion prevailed.

**SPECIAL ORDER**

H.F. No. 1042: A bill for an act relating to human services; modifying provisions dealing with the administration, computation, and enforcement of child support; imposing penalties; amending Minnesota Statutes 1992, sections 136A.121, subdivision 2; 214.101, subdivision 1; 256.87, subdivisions 1, 1a, 3, and 5; 256.978; 256.979, by adding subdivisions; 256.9791, subdivisions 3 and 4; 257.66, subdivision 3; 257.67, subdivision 3; 349A.08, subdivision 8; 518.14; 518.171, subdivisions 1, 2, 3, 4, 6, 7, 8, 10, and by adding a subdivision; 518.24; 518.54, subdivision 4; 518.551, subdivisions 1, 5, 5b, 7, 10, 12, and by adding a subdivision; 518.57, subdivision 1, and by adding a subdivision; 518.611, subdivision 4; 518.613, subdivision 1; 518.64, subdivisions 1, 2, 5, and 6; 519.11; 548.09, subdivision 1; 548.091, subdivisions 1a and 3a; 588.20; 595.02, subdivision 1; and 609.375, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 256; and 518; repealing Minnesota Statutes 1992, sections 256.979; and 609.37.

Mr. Samuelson moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Pages 52 and 53, delete section 62

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

**CALL OF THE SENATE**

Mr. Lessard imposed a call of the Senate for the balance of the proceedings on H.F. No. 1042. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Samuelson amendment. The motion prevailed. So the amendment was adopted.

Mr. Cohen moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 27, delete lines 4 to 9

The motion prevailed. So the amendment was adopted.

Mr. Cohen then moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Pages 11 to 13, delete section 15 and insert:

“Sec. 15. [256.9792] [ARREARAGE COLLECTION PROJECTS.]

*Subdivision 1. [ARREARAGE COLLECTIONS.] Arrearage collection projects are created to increase the revenue to the state and counties, reduce AFDC expenditures for former public assistance cases, and increase payments of arrearages to persons who are not receiving public assistance by*

*submitting cases for arrearage collection to collection entities, including but not limited to, the department of revenue and private collection agencies.*

*Subd. 2. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.*

*(b) "Public assistance arrearage case" means a case where current support may be due, no payment, with the exception of a tax offset, has been made within the last 90 days, and the arrearages are assigned to the public agency under section 256.74, subdivision 5.*

*(c) "Public authority" means the public authority responsible for child support enforcement.*

*(d) "Nonpublic assistance arrearage case" means a support case where arrearages have accrued that have not been assigned under section 256.74, subdivision 5.*

*Subd. 3. [AGENCY PARTICIPATION.] (a) The collection remedy under this section is in addition to and not in substitution for any other remedy available by law to the public authority. The public authority remains responsible for the case even after collection efforts are referred to the department of revenue, a private agency, or other collection entity.*

*(b) The department of revenue, a private agency, or other collection entity may not claim collections made on a case submitted by the public authority for a state tax offset under chapter 270A as a collection for the purposes of this project.*

*Subd. 4. [ELIGIBLE CASES.] (a) For a case to be eligible for a collection project, the criteria in paragraphs (b) and (c) must be met. Any case from a county participating in the collections projects meeting the criteria under this subdivision must be submitted for collection.*

*(b) Notice must be sent to the debtor, as defined in section 270A.03, subdivision 4, at the debtor's last known address at least 30 days before the date the collections effort is transferred. The notice must inform the debtor that the department of revenue or a private collections agency will use enforcement and collections remedies and may charge a fee of up to 30 percent of the arrearages. The notice must advise the debtor of the right to contest the debt on grounds limited to mistakes of fact. The debtor may contest the debt by submitting a written request for review to the public authority within 21 days of the date of the notice.*

*(c) The arrearages owed must be based on a court or administrative order. The arrearages to be collected must be at least \$100 and must be at least 90 days past due. For nonpublic assistance cases referred to private agencies, the arrearages must be a docketed judgment under sections 548.09 and 548.091.*

*Subd. 5. [COUNTY PARTICIPATION.] (a) The commissioner of human services shall designate the counties to participate in the projects, after requesting counties to volunteer for the projects.*

*(b) The commissioner of human services shall designate which counties shall submit cases to the department of revenue, a private collection agency, or other collection entity.*

*Subd. 6. [FEES.] A collection fee set by the commissioner of human services must be charged to the person obligated to pay the arrearages. The collection fee is in addition to the amount owed, and must be deposited by the commissioner of revenue in the state treasury and credited to the general fund to cover the costs of administering the program or retained by the private collection agency to cover the costs of administering the collection service.*

*Subd. 7. [CONTRACTS.] (a) The commissioner of human services may contract with the commissioner of revenue, private agencies, or other collection entities to implement the projects, charge fees, and exchange necessary information.*

*(b) The commissioner of human services may provide an advance payment to the commissioner of revenue for collection services to be repaid to the department of human services out of subsequent collection fees.*

*(c) Summary reports of collections, fees, and other costs charged must be submitted monthly to the state office of child support enforcement.*

*Subd. 8. [REMEDIES.] (a) The commissioner of revenue is authorized to use the tax collection remedies in sections 270.06, clause (7), 270.69 to 270.72, and 290.92, subdivision 23, and tax return information to collect arrearages. The statute of limitations provisions in chapter 270 do not apply to support arrearage cases.*

*(b) Liens arising under paragraph (a) must be perfected by filing a notice of lien in the office of the county recorder or registrar of titles. The lien may be filed as long as the time period allowed by law for collecting the arrearages has not expired. The lien attaches to all property of the debtor within the state, both real and personal. The lien must be enforced under the provisions in section 270.69 relating to state tax liens."*

The motion prevailed. So the amendment was adopted.

Mr. Cohen then moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 5, line 27, delete the new language and insert "*as provided under subdivision 2*"

The motion prevailed. So the amendment was adopted.

Mr. Cohen then moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 38, line 28, after the period, insert "*A motion to modify child support on the grounds stated in clause (6) may not be brought within one year of a previous motion under clause (6).*"

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

Mr. Lessard moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)



Pages 19 and 20, delete section 24

Page 36, line 14, delete "An"

Page 36, delete lines 15 to 24

Pages 36 and 37, delete section 43

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 2 and nays 57, as follows:

Messrs. Chmielewski and Lessard voted in the affirmative.

Those who voted in the negative were:

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

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

Mr. Lessard then moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 19, line 30, after the period, insert "*If an employer or union prevails in an action brought by the obligee or public authority under this paragraph, the court may award the employer or union all or part of the reasonable attorney fees incurred by the employer or union.*"

Page 36, line 22, after the period, insert "*If an employer or other payor of funds prevails in an action brought by the obligee or public authority under this paragraph, the court may award the employer or other payor of funds all or part of the reasonable attorney fees incurred by the employer or other payor of funds.*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 40 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnson, D.J.	Murphy	Runbeck
Beckman	Dille	Kroening	Neuville	Sams
Benson, D.D.	Finn	Laidig	Novak	Samuelson
Benson, J.E.	Frederickson	Langseth	Oliver	Solon
Berg	Hanson	Larson	Olson	Stevens
Bertram	Hottinger	Lesewski	Pariseau	Stumpf
Chandler	Janezich	Lessard	Riveness	Terwilliger
Chmielewski	Johnson, D.E.	Mondale	Robertson	Vickerman

Those who voted in the negative were:

Berglin	Johnston	Marty	Piper	Wiener
Betzold	Kiscaden	Merriam	Price	
Cohen	Knutson	Moe, R.D.	Ranum	
Flynn	Krentz	Morse	Reichgott	
Johnson, J.B.	Luther	Pappas	Spear	

The motion prevailed. So the amendment was adopted.

Mr. Lessard then moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 25, line 25, reinstate the stricken language

Page 25, lines 26 to 32, delete the new language

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Adkins	Day	Kroening	Novak	Runbeck
Beckman	Dille	Laidig	Oliver	Sams
Belanger	Frederickson	Langseth	Olson	Solon
Benson, J.E.	Hanson	Lesewski	Pariseau	Stevens
Berg	Johnson, D.E.	Lessard	Price	Stumpf
Bertram	Johnston	Metzen	Riverness	Terwilliger
Chmielewski	Knutson	Neuville	Robertson	Vickerman

Those who voted in the negative were:

Anderson	Finn	Johnson, J.B.	Merriam	Piper
Berglin	Flynn	Kiscaden	Mondale	Ranum
Betzold	Hottinger	Krentz	Morse	Reichgott
Chandler	Janezich	Luther	Murphy	Spear
Cohen	Johnson, D.J.	Marty	Pappas	Wiener

The motion prevailed. So the amendment was adopted.

Mr. Chandler moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 1, after line 23, insert:

“Section 1. Minnesota Statutes 1992, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

- (1) pursuant to section 13.05;
- (2) pursuant to court order;
- (3) pursuant to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;

(5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;

(6) to administer federal funds or programs;

(7) between personnel of the welfare system working in the same program;

(8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names and social security numbers, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, and the income tax;

(9) to the Minnesota department of jobs and training for the purpose of monitoring the eligibility of the data subject for unemployment compensation, for any employment or training program administered, supervised, or certified by that agency, or for the purpose of administering any rehabilitation program, whether alone or in conjunction with the welfare system, and to verify receipt of energy assistance for the telephone assistance plan;

(10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;

(11) data maintained by residential facilities as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person; or

(13) data on a child support obligor who makes payments to the public agency may be disclosed to the higher education coordinating board to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5); or

*(14) data identifying child support obligors who have arrearages totalling more than \$10,000 are public data, including data describing the amount of and basis for the arrearages.*

(b) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Mr. Knutson moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 42, delete section 48

Page 42, lines 32 to 35, delete the new language and insert "*Child support judgments may be renewed by service of notice upon the debtor. Service shall be by certified mail at the last known address of the debtor or in the manner provided for the service of civil process. Upon the filing of the notice and proof of service the court administrator shall renew the judgment for child support without any additional filing fee.*"

Page 43, lines 9 to 12, delete the new language and insert "*Child support judgments may be renewed by service of notice upon the debtor. Service shall be by certified mail at the last known address of the debtor or in the manner provided for the service of civil process. Upon the filing of the notice and proof of service the court administrator shall renew the judgment for child support without any additional filing fee.*"

Page 43, delete section 51

Page 53, delete lines 26 to 28

Renumber the sections in sequence and correct the internal references'

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Knutson then moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 26, line 33, delete "*shall*" and insert "*may*"

Page 30, delete lines 11 and 12

Page 30, line 13, delete "*paragraph is contempt of court.*"

Mr. Knutson requested division of the amendment as follows:

First portion:

Page 26, line 33, delete "*shall*" and insert "*may*"

Second portion:

Page 30, delete lines 11 and 12

Page 30, line 13, delete "*paragraph is contempt of court.*"

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

The roll was called, and there were yeas 30 and nays 32, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kroening	Merriam	Runbeck
Belanger	Dille	Laidig	Murphy	Sams
Benson, D.D.	Frederickson	Langseth	Neuville	Stevens
Benson, J.E.	Hanson	Larson	Oliver	Stumpf
Berg	Johnston	Lesewski	Olson	Terwilliger
Chmielewski	Knutson	Lessard	Pariseau	Vickerman

Those who voted in the negative were:

Anderson	Finn	Krentz	Novak	Riveness
Beckman	Flynn	Luther	Pappas	Robertson
Berglin	Hottinger	Marty	Piper	Spear
Bertram	Janezich	Metzen	Pogemiller	Wiener
Betzold	Johnson, D.J.	Moe, R.D.	Price	
Chandler	Johnson, J.B.	Mondale	Ranum	
Cohen	Kiscaden	Morse	Reichgott	

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

The question was taken on the adoption of the second portion of the amendment. The motion prevailed. So the second portion of the amendment was adopted.

Mr. Cohen moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 49, line 13, strike "felony" and insert "gross misdemeanor"

Page 49, line 14, strike the old language and delete the new language and insert "one year or to payment of a fine of not more than \$3,000, or"

The motion prevailed. So the amendment was adopted.

Ms. Robertson moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 27, line 1, after "parent" insert "or extended family member"

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 31, after line 8, insert:

"Sec. 35. Minnesota Statutes 1992, section 518.551, is amended by adding a subdivision to read:

*Subd. 5d. [ACCOUNTING OF EXPENDITURES.] (a) If an obligor pays more than \$400 per month in total child support to an obligee or physical custodian, the obligee or custodian shall annually provide a financial accounting to the obligor of how the child support has been spent for the expenses of the dependent child.*

*(b) The financial accounting must be served by first-class mail by April 1 following each calendar year covered by the accounting and must include at least the following:*

*(1) the actual amount spent during the preceding calendar year for each child for clothing; medical and dental care; work-related child care; educational expenses; and any other expense required by the court to be itemized;*

*(2) the actual amount spent for food and housing for the obligee's entire family unit and the share prorated to each dependent child; and*

(3) *the signature of the obligee acknowledging the accuracy of the statement and certifying that all expenses were actually paid.*

(c) *The court may require a financial accounting under this subdivision from an obligee who receives \$400 or less per month in child support for other reasonable cause."*

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 18 and nays 41, as follows:

Those who voted in the affirmative were:

Benson, J.E.	Johnston	Lessard	Pariseau	Terwilliger
Chmielewski	Laidig	McGowan	Runbeck	Vickerman
Day	Larson	Neuville	Samuelson	
Frederickson	Lesewski	Olson	Stevens	

Those who voted in the negative were:

Anderson	Flynn	Krentz	Novak	Sams
Beckman	Hottinger	Kroening	Oliver	Solon
Berglin	Janezich	Luther	Pappas	Spear
Bertram	Johnson, D.E.	Merriam	Piper	Stumpf
Betzold	Johnson, D.J.	Metzen	Pogemiller	Wiener
Chandler	Johnson, J.B.	Moe, R.D.	Ranum	
Cohen	Kelly	Mondale	Reichgott	
Dille	Kiscaden	Morse	Riveness	
Finn	Knutson	Murphy	Robertson	

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

Mr. Neuville then moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 27, line 12, after "support" insert "*or in determining whether to deviate from the guidelines*"

Page 28, line 29, after "used" insert "*as a starting point*"

Mr. Neuville then moved to amend the second Neuville amendment to H.F. No. 1042 as follows:

Page 1, delete line 8

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

The question recurred on the second Neuville amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Mr. Neuville then moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 15, after line 9, insert:

"Sec. 19. Minnesota Statutes 1992, section 517.03, is amended to read:

517.03 [PROHIBITED MARRIAGES.]

The following marriages are prohibited:

(a) A marriage entered into before the dissolution of an earlier marriage of one of the parties becomes final, as provided in section 518.145 or by the law of the jurisdiction where the dissolution was granted;

(b) A marriage between an ancestor and a descendant, or between a brother and a sister, whether the relationship is by the half or the whole blood or by adoption;

(c) A marriage between an uncle and a niece, between an aunt and a nephew, or between first cousins, whether the relationship is by the half or the whole blood, except as to marriages permitted by the established customs of aboriginal cultures;

provided, however, that mentally retarded persons committed to the guardianship of the commissioner of human services and mentally retarded persons committed to the conservatorship of the commissioner of human services in which the terms of the conservatorship limit the right to marry, may marry on receipt of written consent of the commissioner. The commissioner shall grant consent unless it appears from the commissioner's investigation that the marriage is not in the best interest of the ward or conservatee and the public. The court administrator of the district court in the county where the application for a license is made by the ward or conservatee shall not issue the license unless the court administrator has received a signed copy of the consent of the commissioner of human services.

*(d) Notwithstanding section 517.20, marriages contracted between persons of the same gender. Such contracts are not valid in this state.*

Sec. 20. Minnesota Statutes 1992, section 518.01, is amended to read:

**518.01 [VOID MARRIAGES.]**

All marriages which are prohibited by section 517.03, *including marriages between persons of the same gender that are valid in other states*, shall be absolutely void, without any decree of dissolution or other legal proceedings; except if a person whose husband or wife has been absent for four successive years, without being known to the person to be living during that time, marries during the lifetime of the absent husband or wife, the marriage shall be void only from the time that its nullity is duly adjudged. If the absentee is declared dead in accordance with section 576.142, the subsequent marriage shall not be void."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Cohen questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Cohen moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 2, delete section 2

Pages 14 and 15, delete section 18

Pages 22 and 23, delete section 30

Page 32, strike line 12

Page 32, line 13, strike "to" and insert "*Effective July 1, 1994, all counties shall*"

Pages 44 to 48, delete section 53

Pages 49 to 51, delete sections 56 and 57

Page 52, line 5, delete "*goal of the*" and delete "*is to*" and insert "*shall*"

Page 52, line 6, after "*is*" insert "*simple, streamlined,*"

Page 52, line 8, delete everything after "*counsel*"

Page 52, line 9, delete "*January 15, 1994*" and insert "*by July 1, 1994*"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Knutson moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 26, line 33, after "*and*" insert "*it is presumed that the court*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 34 and nays 29, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Merriam	Sams
Belanger	Frederickson	Laidig	Metzen	Samuelson
Benson, D.D.	Hanson	Langseth	Neuville	Solon
Benson, J.E.	Johnson, D.E.	Larson	Novak	Stevens
Berg	Johnston	Lesewski	Olson	Terwilliger
Bertram	Kiscaden	Lessard	Pariseau	Vickerman
Day	Knutson	McGowan	Riveness	

Those who voted in the negative were:

Anderson	Finn	Krentz	Murphy	Reichgott
Beckman	Flynn	Luther	Oliver	Robertson
Berglin	Hottinger	Marty	Pappas	Runbeck
Betzold	Janezich	Moe, R.D.	Pipcr	Spear
Chandler	Johnson, D.J.	Mondale	Pogemiller	Wiener
Cohen	Kelly	Morse	Ranum	

The motion prevailed. So the amendment was adopted.

Ms. Runbeck moved to amend H.F. No. 1042, as amended pursuant to Rule 49, adopted by the Senate April 30, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 673.)

Page 26, line 36, before "*The*" insert "*Upon request of the noncustodial parent,*" and delete "*may*" and insert "*shall*"

Page 27, line 2, delete everything after "*working*"

Page 27, line 3, delete everything before the period and insert "*unless the*"



*noncustodial parent has a supervised visitation schedule, a restraining order limits contact between the noncustodial parent and child, or the court makes specific findings that this care arrangement would not be in the best interests of the child"*

The motion prevailed. So the amendment was adopted.

H.F. No. 1042 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 65 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Day and Lessard voted in the negative.

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

### MOTIONS AND RESOLUTIONS – CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of 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. 512: A bill for an act relating to telecommunications; providing for regulation of telecommunications carriers; limiting discriminatory practices, services, rates, and pricing; providing for investigation, hearings, and appeals regarding telecommunications services; delineating telecommunications practices allowed; providing penalties and remedies; amending Minnesota Statutes 1992, sections 237.01, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 1992, section 237.59, subdivision 7.

Senate File No. 512 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1993

Mr. Novak moved that the Senate do not concur in the amendments by the House to S.F. No. 512, 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. 653: A bill for an act relating to town roads; permitting cartways to be established on alternative routes; amending Minnesota Statutes 1992, section 164.08, subdivision 2.

Senate File No. 653 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1993

Mr. Lessard moved that the Senate do not concur in the amendments by the House to S.F. No. 653, 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.

### RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 306: Messrs. Metzen, Riveness and Benson, D.D.

S.F. No. 694: Messrs. Marty, Chandler, Cohen, Belanger and Neuville.

S.F. No. 273: Messrs. Knutson, Chmielewski and Ms. Olson.

H.F. No. 1245: Ms. Ranum, Messrs. Merriam and Knutson.

H.F. No. 1524: Mr. Pogemiller, Mses. Flynn and Olson.

S.F. No. 512: Mr. Novak, Ms. Johnson, J.B. and Mr. Chandler.

S.F. No. 653: Messrs. Lessard, Merriam and Dille.

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

**MEMBERS EXCUSED**

Ms. Krentz was excused from the Session of today from 9:50 to 10:15 a.m. Mr. Riveness was excused from the Session of today from 8:30 to 10:30 a.m. Mr. Hottinger was excused from the Session of today from 9:30 to 10:30 a.m. Ms. Johnson, J.B. was excused from the Session of today from 9:00 to 10:00 a.m. Mr. Benson, D.D. was excused from the Session of today from 11:30 a.m. to 12:30 p.m. Mr. Johnson, D.J. was excused from the Session of today at 12:10 p.m. Mr. Stumpf was excused from the Session of today at 1:10 p.m. Messrs. Price and Solon were excused from the Session of today at 1:25 p.m. Mr. Pogemiller was excused from the Session of today for brief periods of time throughout the day.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, May 13, 1993. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate