

FIFTY-NINTH DAY

St. Paul, Minnesota, Friday, May 14, 1993

The Senate met at 8:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Patrick L. Hall.

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
Berghin	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.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 64, 832, 1290, 693, 340, 34, 264 and 1232.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1993

Mr. President:

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

S.F. No. 782: A bill for an act relating to health; expanding medical assistance coverage to include nutritional supplementation products; amending Minnesota Statutes 1992, section 256B.0625, subdivision 13.

Senate File No. 782 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1993

CONCURRENCE AND REPASSAGE

Ms. Berglin moved that the Senate concur in the amendments by the House to S.F. No. 782 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 782: A bill for an act relating to health; expanding medical assistance coverage to include nutritional supplementation products; amending Minnesota Statutes 1992, section 256B.0625, subdivision 13, and by adding a subdivision.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 44 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Kiscaden	Merriam	Price
Beckman	Day	Knutson	Metzen	Ranum
Belanger	Finn	Langseth	Morse	Robertson
Benson, J.E.	Flynn	Larson	Neuville	Runbeck
Berg	Frederickson	Lesewski	Oliver	Sams
Berglin	Hottinger	Lessard	Olson	Stevens
Bertram	Johnson, D.E.	Luther	Pappas	Stumpf
Betzold	Johnson, J.B.	Marty	Pariseau	Terwilliger
Chandler	Johnston	McGowan	Piper	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 419: A bill for an act relating to health care; modifying and making corrections to the health right act; amending Minnesota Statutes 1992, sections 43A.317, subdivisions 2, 7, and 10; 62A.011, subdivision 3; 62A.021, subdivision 1; 62A.65, subdivision 5; 62J.04, subdivisions 2, 3, 4,

5, 6, and 7; 62J.09, subdivisions 1, 2, and 6; 62J.15, subdivision 2; 62J.17, subdivisions 2, 4, 5, and 6; 62J.19; 62J.23; 62J.29, subdivisions 1 and 4; 62J.30, subdivisions 4, 7, 8, and 10; 62J.31, subdivisions 2 and 3; 62J.32, subdivisions 1 and 4; 62J.34, subdivisions 2 and 3; 62L.02, subdivisions 8, 11, 15, and 16, and by adding a subdivision; 62L.03, subdivisions 2 and 5; 62L.05, subdivisions 1, 4, and 10; 62L.09, subdivision 2; 62L.13, subdivisions 1, 3, and 4; 62L.14, subdivisions 1, 2, 3, 4, 5, 6, 7, and 9; 62L.15, subdivision 2; 62L.16, subdivision 5, and by adding a subdivision; 62L.17, subdivisions 1 and 4; 62L.19; 62L.20, subdivisions 1 and 2; 144.147, subdivision 4; 144.1481, subdivision 1; 256.045, subdivision 10; 256.9353, subdivisions 2, 6, and by adding a subdivision; 256.9354; 256.9355, subdivision 3; 256.9356, subdivision 2; 256.9357; 256B.0644; Laws 1992, chapter 549, articles 1, section 15; 2, sections 24 and 25; 3, section 24; and 4, section 18; proposing coding for new law in Minnesota Statutes, chapter 62J; repealing Minnesota Statutes 1992, sections 62J.05, subdivision 5; 62J.09, subdivision 3; and 62J.21.

Senate File No. 419 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1993

CONCURRENCE AND REPASSAGE

Ms. Berglin moved that the Senate concur in the amendments by the House to S.F. No. 419 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 419 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 948: A bill for an act relating to insurance; property; regulating the

FAIR plan; modifying its provisions; making various technical changes; amending Minnesota Statutes 1992, sections 65A.31; 65A.32; 65A.33, subdivisions 4, 5, and 6; 65A.34; 65A.35; 65A.36; 65A.37; 65A.375; 65A.38; 65A.39; 65A.40; 65A.41; and 65A.42; repealing Minnesota Statutes 1992, sections 65A.33, subdivision 8; and 65A.43.

Senate File No. 948 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1993

CONCURRENCE AND REPASSAGE

Mr. Oliver moved that the Senate concur in the amendments by the House to S.F. No. 948 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 948 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 570, 1253 and 1658.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1993

FIRST READING OF HOUSE BILLS

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

H.F. No. 570: A bill for an act relating to retirement; the public employees retirement association; changing employee and employer contribution rates; changing benefits under certain consolidations; increasing the pension benefit

multiplier for the public employees police and fire fund; amending Minnesota Statutes 1992, sections 353.65, subdivisions 2, 3, and by adding a subdivision; 353.651, subdivision 3; 353.656, subdivision 1; and 356.215, subdivision 4g; proposing coding for new law in Minnesota Statutes, chapter 353A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 579, now on General Orders.

H.F. No. 1253: A bill for an act relating to energy; cogeneration and small power production; providing for establishment of prices paid for utilities' avoided capacity and energy costs; providing that the public utilities commission establish a preference for renewable resource energy production; amending Minnesota Statutes 1992, sections 216B.164, subdivision 4; 216B.2421, subdivision 1; and 216B.62, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 216B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 970, now on General Orders.

H.F. No. 1658: A bill for an act relating to economic development; abolishing Minnesota Project Outreach Corporation and transferring its funds, property, records, and duties to Minnesota Technology, Inc.; providing for federal defense conversion activities; amending Minnesota Statutes 1992, section 116O.091; repealing Minnesota Statutes 1992, section 116O.092.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1477, now on General Orders.

REPORTS OF COMMITTEES

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

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

H.F. No. 1486 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1486	787				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 555 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.
555	683				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 555 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 555 and insert the language after the enacting clause of S.F. No. 683, the second engrossment; further, delete the title of H.F. No. 555 and insert the title of S.F. No. 683, the second engrossment.

And when so amended H.F. No. 555 will be identical to S.F. No. 683, and further recommends that H.F. No. 555 be given its second reading and substituted for S.F. No. 683, 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. 531 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.
531	415				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 531 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 531 and insert the language after the enacting clause of S.F. No. 415, the second engrossment; further, delete the title of H.F. No. 531 and insert the title of S.F. No. 415, the second engrossment.

And when so amended H.F. No. 531 will be identical to S.F. No. 415, and further recommends that H.F. No. 531 be given its second reading and substituted for S.F. No. 415, 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. 1415 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.
1415	1501				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1415 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1415 and insert the language after the enacting clause of S.F. No. 1501, the second engrossment; further, delete the title of H.F. No. 1415 and insert the title of S.F. No. 1501, the second engrossment.

And when so amended H.F. No. 1415 will be identical to S.F. No. 1501, and further recommends that H.F. No. 1415 be given its second reading and substituted for S.F. No. 1501, 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. 1387 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.
1387	1313				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1387 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1387 and insert the language after the enacting clause of S.F. No. 1313, the first engrossment; further, delete the title of H.F. No. 1387 and insert the title of S.F. No. 1313, the first engrossment.

And when so amended H.F. No. 1387 will be identical to S.F. No. 1313, and further recommends that H.F. No. 1387 be given its second reading and substituted for S.F. No. 1313, 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. 936 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.
936	961				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 936 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 936 and insert the language after the enacting clause of S.F. No. 961, the first engrossment; further, delete the title of H.F. No. 936 and insert the title of S.F. No. 961, the first engrossment.

And when so amended H.F. No. 936 will be identical to S.F. No. 961, and further recommends that H.F. No. 936 be given its second reading and substituted for S.F. No. 961, 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. 1486, 555, 531, 1415, 1387 and 936 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Samuelson moved that the name of Mr. Neville be added as a co-author to S.F. No. 1627. The motion prevailed.

Mr. Hottinger moved that the name of Mr. Finn be added as a co-author to S.F. No. 1647. The motion prevailed.

S.F. No. 1074 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

May 13, 1993

The Honorable Allan H. Spear
President of the Senate

The Honorable Dee Long
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1074, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1074 be further amended as follows:

Page 11, after line 24, insert:

"Sec. 18. Laws 1992, chapter 502, section 4, is amended to read:

Sec. 4. [PRIVATE SALE OF STATE LAND; WASHINGTON COUNTY.]

Notwithstanding the public sale provisions of Minnesota Statutes, sections 94.09 to 94.16 or any other law to the contrary, the commissioner of natural resources may sell land in Washington county described in this section by private sale to the purchaser. The conveyance shall be in a form approved by the attorney general. The consideration received for the conveyance shall be the market value of the land of \$1,160,000 as established by a state appraisal certified by the commissioner on January 27, 1992, plus an additional 18 percent of an amount equal to the market value less any environmental cleanup funds provided by the purchaser prior to the conveyance, as described in section 5. The consideration and 18 percent additional payment shall be deposited in the state treasury and credited to the wildlife land acquisition account. The basic purchase consideration is appropriated to the commissioner for acquisition of replacement wildlife management area lands in Anoka, Carver, Dakota, Hennepin, Scott, or Washington counties *and for cleanup of contamination on wildlife management area lands adjacent to the land conveyed. Of this appropriation, at least \$560,000 must be used for acquisition of replacement wildlife management area lands.* The 18 percent additional payment is appropriated to the commissioner to cover the commissioner's professional service costs to acquire the replacement lands and the cost of appraisals for the state lands sold to the purchaser. The commissioner shall return any portion of the 18 percent additional payment remaining after acquisition of replacement lands to the purchaser.

The land that may be sold is in the Bayport state wildlife management area and is described as follows:

All that part of Sections 10 and 15, in Township 29 North, Range 20 West, described as follows: Commencing at the southeast corner of said Section 10; thence west along the south line of said Section 10 a distance of 270 feet to the point of beginning; thence north parallel with and 270 feet westerly from the east line of said Section 10 a distance of 1,296 feet; thence west a distance of 360 feet; thence north parallel with the east line of said Section 10 a distance of 740 feet; thence west 160 feet; thence north parallel with the east line of said Section 10 a distance of 580 feet; thence west 140 feet; thence north along the west line and the same extended southerly of Block 80, in South Stillwater, (Bayport), according to the recorded plat thereof in the office of the County Recorder for Washington county, 360 feet to the northwest corner of said Block 80; thence west on a continuation of the north line of said Block 80 a distance of 185 feet; thence south and parallel with the west line of Block 81 of said South Stillwater (Bayport) 100 feet; thence west and parallel with the north line of said Block 81 to the west line of said Block 81 a distance of 175 feet; thence north along the west line of said Block 81 to the northwest corner of said Block 81 a distance of 100 feet; thence west on a continuation of the north line of said Block 81 a distance of 30 feet to the west line of the Southeast Quarter of the Northeast Quarter of said Section 10; thence north along said west line of the Southeast Quarter of the Northeast Quarter to the south line of the North 900 feet of the Southwest Quarter of the Northeast Quarter of said Section

10; thence west along the south line of the North 900 feet of the Southwest Quarter of the Northeast Quarter of said Section 10 to the west line of the Southwest Quarter of the Northeast Quarter of said Section 10; thence north along said west line to the north line of the South 30 acres of the Southeast Quarter of the Northwest Quarter of said Section 10; thence West along the north line of the South 30 acres of the Southeast Quarter of the Northwest Quarter of said Section 10 to the Northwest corner of the South 30 acres of the Southeast Quarter of the Northwest Quarter of said section; thence south along the west line of the Southeast Quarter of the Northwest Quarter of said Section 10 to the center line of the Stillwater and Point Douglas Road (aka County State Aid Highway 21); thence southeasterly along said center line of said Stillwater and Point Douglas Road (aka County State Aid Highway 21) to a point on a line drawn parallel and 11 chains and 92 links southerly from the north line of said Section 15; thence east parallel with the north line of the Northwest Quarter of said Section 15 to the west line of the Northwest Quarter of the Northeast Quarter of said Section 15; thence east parallel with the north line of the Northwest Quarter of the Northeast Quarter of said Section 15 a distance of 202.76 feet; thence north parallel with the west line of said Northwest Quarter of the Northeast Quarter to the south line of said Section 10; thence east along said south line to the point of beginning. Excepting from the land within the above described boundaries, the right-of-way of the Chicago and North Western Railway across said parts of Sections 10 and 15. And also all that part of the Southwest Quarter of the Northwest Quarter of Section 10, Township 29 North, Range 20 West, lying east of Stillwater and Point Douglas Road (aka County State Aid Highway 21), excepting that part thereof heretofore deeded by Frank L. Barrett and wife to John Zabel, by deed dated 9th day of December, 1893, and recorded 16th day of December, 1893, in the office of the County Recorder for said Washington county, in Book 40 of Deeds, Page 133. Said lands containing 244.81 acres, more or less.

The commissioner may reserve to the state an easement across the above described property for ingress and egress to lands to be retained by the commissioner in Section 15, Township 29 North, Range 20 West.

Sec. 19. [SHORELAND LOT TRANSFER.]

(a) Notwithstanding Minnesota Rules, part 6120.3300, subpart 2, item D, adopted under Minnesota Statutes 1992, sections 103F.201 to 103F.221, Otter Tail county may allow the sale or transfer, as a separate parcel, of a lot within shoreland, as defined in Minnesota Statutes, section 103F.205, subdivision 4, that:

(1) is one of a group of two or more contiguous lots that have been under the same common ownership since February 4, 1992; and

(2) does not meet the requirements of Minnesota Rules, part 6120.3300, subpart 2, items A to E, and subparts 2a and 2b.

(b) Before a contiguous lot is sold under the authority granted in this section, the seller shall inform the buyer in writing of the extent to which the lot does not meet the requirements of Minnesota Rules, part 6120.3300, subpart 2, items A to E, and subparts 2a and 2b.

(c) This section is repealed effective July 1, 1994.

Sec. 20. [REPORTS.]

Subdivision 1. [PRIVATE FOREST MANAGEMENT ASSISTANCE PROGRAM.] *The commissioner of natural resources shall track the financial effects of changes occurring in department policy on the private forest management assistance program. The commissioner shall review any regional differences, and the cost and types of services provided by the division of forestry timber appraisers. The commissioner shall report by February 15, 1994, and February 15, 1995, to the house environment and natural resources finance committee and the senate environment and natural resources finance division.*

Subd. 2. [NATIVE PLANTINGS ON PUBLIC LANDS; REPORT.] *The commissioner of natural resources shall, in cooperation with other state agencies and interested persons, propose a plan to increase the amount of native plantings on public lands. The commissioner shall submit the plan to the environment and natural resources committees of the legislature by February 15, 1994."*

Page 11, line 25, delete "18" and insert "21"

Amend the title as follows:

Page 1, line 5, after the second semicolon insert "use of proceeds from private sale of state land in Washington county; transfer of shoreland lots in Otter Tail county; reporting and planning by commissioner of natural resources;"

Page 1, line 12, before the period insert "; Laws 1992, chapter 502, section 4"

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

Senate Conferees: (Signed) Leonard R. Price, Gene Merriam, Steven Morse

House Conferees: (Signed) Kathleen Sekhon, Virgil J. Johnson, Willard Munger

Mr. Price moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1074 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1074 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS – CONTINUED

S.F. No. 1315 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1315

A bill for an act relating to burial grounds; creating a council of traditional Indian practitioners to make recommendations regarding the management, treatment, and protection of Indian burial grounds and of human remains or artifacts contained in or removed from those grounds; proposing coding for new law in Minnesota Statutes, chapter 307.

May 11, 1993

The Honorable Allan H. Spear
President of the Senate

The Honorable Dee Long
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1315, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1315 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [307.082] [CIVIL ACTIONS.]

The attorney general or the county attorney may maintain a civil action seeking a temporary or permanent injunction or other appropriate relief against a person who is alleged to have committed a violation of section 307.08, subdivision 2. The action must be brought within one year after the alleged violation is discovered and reported to the state archeologist or the Indian affairs council. The action must be filed in either the district court of the county in which the alleged violation occurred or in which the alleged violator resides.”

Delete the title and insert:

“A bill for an act relating to burial grounds; providing for a civil action; proposing coding for new law in Minnesota Statutes, chapter 307.”

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

Senate Conferees: (Signed) Don Betzold, Joanne E. Benson, Harold R. “Skip” Finn

House Conferees: (Signed) Karen Clark, Thomas Pugh, Dave Bishop

Mr. Betzold moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1315 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1315 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS – CONTINUED

S.F. No. 1105 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

May 11, 1993

The Honorable Allan H. Spear
President of the Senate

The Honorable Dee Long
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1105, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1105 be further amended as follows:

Page 22, after line 4, insert:

"Sec. 33. [MANUFACTURED HOME PARK ZONING STUDY.]

A municipality, as defined in Minnesota Statutes, section 462.352, subdivision 2, may not adopt an ordinance after May 22, 1993 and before August 1, 1994, that establishes setback requirements for manufactured homes in a manufactured home park if the ordinance would have the effect of prohibiting replacing a home in a park with a home approved by the department of housing and urban development.

Setback requirements adopted by ordinance by a municipality after April 1, 1991, are suspended and have no effect until August 1, 1994, if the setback requirements have the effect of prohibiting replacing a manufactured home in a manufactured home park with a home approved by the department of housing and urban development."

Page 22, line 12, delete "and 33" and insert ", 33, and 34"

Renumber the sections in sequence

Correct the internal references

Amend the title as follows:

Page 1, line 6, after the semicolon insert "requiring a manufactured home park zoning study;"

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

Senate Conferees: (Signed) Don Betzold, John C. Hottinger, Edward C. Oliver

House Conferees: (Signed) Wayne Simoneau, Alice M. Johnson, Dennis Ozment

Mr. Betzold moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1105 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1105 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 47 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Johnson, J.B.	Morse	Robertson
Anderson	Cohen	Krentz	Murphy	Runbeck
Beckman	Day	Kroening	Oliver	Sams
Belanger	Finn	Lessard	Olson	Solon
Benson, J.E.	Flynn	Luther	Pappas	Stumpf
Berg	Frederickson	Marty	Piper	Terwilliger
Berglin	Hottinger	McGowan	Pogemiller	Wiener
Bertram	Janezich	Merriam	Price	
Betzold	Johnson, D.E.	Metzen	Ranum	
Chandler	Johnson, D.J.	Mondale	Riveness	

Those who voted in the negative were:

Benson, D.D.	Johnston	Knutson	Neuville	Stevens
Dille	Kiscaden	Lesewski	Pariseau	

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

MOTIONS AND RESOLUTIONS – CONTINUED

S.F. No. 273 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 273

A bill for an act relating to highways; changing description of legislative Route No. 279 in state trunk highway system after agreement to transfer part of old route to Dakota county.

May 13, 1993

The Honorable Allan H. Spear
President of the Senate

The Honorable Dee Long
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 273, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 273 be further amended as follows:

Page 1, after line 6, insert:

“Section 1. [TELECOMMUTING STUDY.]

Subdivision 1. [DEFINITION.] For purposes of this section, “telecommuting” means the practice of performing work at a residence rather than a worksite, through video, telephone, computer, or other electronic connection.

Subd. 2. [STUDY DIRECTED.] The commissioner of transportation is urged to conduct a study of telecommuting in the seven-county metropolitan area as an alternative to vehicle commuting between residence and worksite. The commissioner may contract with a person, firm, or organization knowledgeable in telecommuting to perform the study.

Subd. 3. [STUDY CONTENTS.] The study must include:

- (1) the present extent of telecommuting in the metropolitan area;*
- (2) the potential of telecommuting to substitute for vehicle commuting in the area, alleviate traffic congestion, and reduce the need for highway expansion;*
- (3) present legal and public policy obstacles to telecommuting; and*
- (4) legal and public policy alternatives that would expand telecommuting or telecommuting options in the area.*

Subd. 4. [REPORTS.] The commissioner shall report on the findings of the study to the governor and legislature not later than March 1, 1994.”

Page 1, after line 24, insert:

“Notwithstanding any law or rule to the contrary, the commissioner of transportation shall add to the county state-aid highway system in Dakota

county any trunk highway that is removed from the trunk highway system under this act and transferred to Dakota county."

Page 2, line 8, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, before the period insert "; providing for a telecommuting study"

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

Senate Conferees: (Signed) David L. Knutson, Florian Chmielewski, Gen Olson

House Conferees: (Signed) Eileen Tompkins, Thomas Pugh, Mary Jo McGuire

Mr. Knutson moved that the foregoing recommendations and Conference Committee Report on S.F. No. 273 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 273 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS – CONTINUED

S.F. No. 413 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

May 12, 1993

The Honorable Allan H. Spear
President of the Senate

The Honorable Dee Long
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 413, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

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

Senate Conferees: (Signed) Jerry R. Janezich, Harold R. "Skip" Finn, Steven G. Novak

House Conferees: (Signed) Tom Rukavina, David Tomassoni, Thomas Huntley

Mr. Janezich moved that the foregoing recommendations and Conference Committee Report on S.F. No. 413 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 413 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 236 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 236

A bill for an act relating to domestic abuse; requiring a report on victims of domestic abuse and eligibility for unemployment compensation benefits.

May 11, 1993

The Honorable Allan H. Spear
President of the Senate

The Honorable Dee Long
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 236, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 236 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [DOMESTIC ABUSE; CHILD CARE; UNEMPLOYMENT COMPENSATION.]

Subdivision 1. [DOMESTIC ABUSE; INTERIM POLICY.] The commissioner of jobs and training shall develop and implement an interim policy to address the issue of employees forced to leave employment due to domestic abuse as defined in Minnesota Statutes 1992, section 518B.01, subdivision 2, paragraph (a). The commissioner shall provide opportunities for members of the public to be fully involved in developing the interim policy. The department shall report to the labor-management relations committee of the house of representatives and the jobs, energy, and community development committee for the senate bimonthly until January 15, 1994, on its progress in developing the interim policy and its experience in implementing it.

Subd. 2. [STUDY; DOMESTIC ABUSE; CHILD CARE.] The commissioner of jobs and training shall study the issues of employees separated from employment due to problems with child care and domestic abuse as defined in Minnesota Statutes 1992, section 518B.01, subdivision 2, paragraph (a). The commissioner of jobs and training shall consult with the commissioner of human services, the unemployment advisory council, and members of the public in preparing the study. The study shall include a review of case histories in which unemployment compensation was sought. The study shall investigate whether legislation is necessary to address the issues and whether the issues are best addressed as employment, human services, criminal, unemployment compensation, or other problems. The results of the study shall be reported to the legislature by January 15, 1994, along with any recommendations for legislation.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to unemployment compensation; requiring the development of an interim policy and a report on the issue of employees forced to leave employment due to domestic abuse; requiring a study on issues of employees separated from employment due to problems with child care and domestic abuse.”

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

Senate Conferees: (Signed) Ellen R. Anderson, Dennis R. Frederickson,
Sandra L. Pappas

House Conferees: (Signed) Kathleen Sekhon, Alice M. Johnson, Tom Rukavina

Ms. Anderson moved that the foregoing recommendations and Conference Committee Report on S.F. No. 236 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 236 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 53 and nays 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Johnston	Neuville	Pariseau	Runbeck	Stevens
Lesewski	Oliver			

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

MOTIONS AND RESOLUTIONS – CONTINUED

S.F. No. 1275 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

May 12, 1993

The Honorable Allan H. Spear
President of the Senate

The Honorable Dee Long
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1275, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

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

Senate Conferees: (Signed) Ted A. Mondale, Gene Merriam, Deanna Wiener

House Conferees: (Signed) Jean Wagenius, Alice Hausman, Charlie Weaver

Mr. Mondale moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1275 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1275 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 512 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

May 13, 1993

The Honorable Allan H. Spear
President of the Senate

The Honorable Dee Long
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 512, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 512 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 237.01, subdivision 2, is amended to read:

Subd. 2. [TELEPHONE COMPANY.] “Telephone company,” means and applies to any person, firm, association or any corporation, private or municipal, owning or operating any telephone line or telephone exchange for hire, wholly or partly within this state, or furnishing any telephone service to the public.

A “telephone company” does not include a radio common carrier as defined in subdivision 4. A telephone company which also conforms with the definition of a radio common carrier is subject to regulation as a telephone company. However, none of chapter 237 applies to telephone company activities which conform to the definition of a radio common carrier.

A “telephone company” does not include a telecommunications carrier as defined in subdivision 5, except that a telecommunications carrier is a telephone company for the purposes of section 222.36. A telephone company is not subject to section 237.74.

Sec. 2. Minnesota Statutes 1992, section 237.01, is amended by adding a subdivision to read:

Subd. 5. [TELECOMMUNICATIONS CARRIER.] “Telecommunications carrier” means a person, firm, association, or corporation authorized to furnish telephone service to the public but not authorized to furnish local exchange service. Telecommunications carrier does not include entities that derive more than 50 percent of their revenues from operator services provided to transient locations such as hotels, motels, and hospitals. In addition, telecommunications carrier does not include entities that provide centralized equal access services.

Sec. 3. [237.035] [TELECOMMUNICATIONS CARRIER EXEMPTION.]

Telecommunications carriers are not subject to regulation under this chapter, except that telecommunications carriers shall comply with the requirements of section 237.74.

Sec. 4. [237.74] [REGULATION OF TELECOMMUNICATIONS CARRIERS.]

Subdivision 1. [FILING REQUIREMENTS.] Every telecommunications carrier shall elect and keep on file with the department either a tariff or a price list for each service on or before the effective date of the tariff or price, containing the rules, rates, and classifications used by it in the conduct of the telephone business, including limitations on liability. The filings are governed by chapter 13. The department shall require each telecommunications carrier to keep open for public inspection at designated offices so much of these rates, tariffs or price lists, and rules as the department considers necessary for public information.

Subd. 2. [DISCRIMINATION PROHIBITED; PRACTICES, SERVICES, RATES.] No telecommunications carrier shall offer telecommunications

service within the state upon terms or rates that are unreasonably discriminatory. No telecommunications carrier shall unreasonably limit its service offerings to particular geographic areas unless facilities necessary for the service are not available and cannot be made available at reasonable costs. The rates of a telecommunications carrier must be the same in all geographic locations of the state unless for good cause the commission approves different rates. A company that offers long-distance services shall charge uniform rates and charges on all long-distance routes and in all geographic areas in the state where it offers the services. However, a carrier may offer or provide volume or term discounts or may offer or provide unique pricing to certain customers or to certain geographic locations for special promotions, and may pass through any state, municipal, or local taxes in the specific geographic areas from which the taxes originate.

Notwithstanding any other provision of this subdivision, a telecommunications carrier may furnish service free or at reduced rates to its officers, agents, or employees in furtherance of their employment.

Subd. 3. [SPECIAL PRICING.] Except as prohibited by this section, prices unique to a particular customer or group of customers may be allowed for services when differences in the cost of providing a service or a service element justify a different price for a particular customer or group of customers. Individual pricing for services may be allowed when a uniform price should not be required because of market conditions. Unique or individual prices for services or service elements in effect before the effective date of this section are deemed to be lawful under this section.

Subd. 4. [INVESTIGATIONS.] (a) When the commission or the department believes that an investigation of any matter relating to any telephone service should for any reason be made, it may on its own motion investigate the service or matter upon notice to the carrier. However, telecommunications carriers are not subject to rate or rate of return regulation and neither the commission nor the department may investigate any matter relating to a telecommunications carrier's costs, rates, or rate of return, except the commission and the department may investigate whether a rate is unreasonably discriminatory under subdivision 2.

(b) Upon a complaint made against a telecommunications carrier by a telephone company, by another telecommunications carrier, by the governing body of a political subdivision, or by no fewer than five percent or 100, whichever is the lesser number, of the subscribers or spouses of subscribers of the particular telecommunications carrier, that any of the rates, tolls, tariffs or price lists, charges, or schedules is in any respect unjustly discriminatory, or that any service is inadequate or cannot be obtained, the commission, after notice to the telecommunications carrier, shall investigate the matters raised by the complaint.

(c) If, after making an investigation under paragraph (a) or (b), the commission finds that a significant factual issue raised has not been resolved to its satisfaction, the commission may order that a contested case hearing be conducted under chapter 14 unless the complainant, the telecommunications carrier, and the commission agree that an expedited hearing under section 237.61 is appropriate.

(d) In any complaint proceeding authorized under this section, telecommunications carriers shall bear the burden of proof consistent with the

allocation of the burden of proof to telephone companies in sections 237.01 to 237.73.

(e) *A full and complete record must be kept by the commission of all proceedings before it upon any formal investigation or hearing and all testimony received or offered must be taken down by the stenographer appointed by the commission and a transcribed copy of the record furnished to any party to the investigation upon the payment of the expense of furnishing the transcribed copy.*

If the commission finds by a preponderance of the evidence presented during the complaint proceeding that existing rates, tolls, tariffs or price lists, charges, or schedules are unjustly discriminatory, or that any service is inadequate or cannot be obtained, the commission may issue its order requiring termination of the discrimination or making the service adequate or obtainable.

(f) *A copy of an order issued under this section must be served upon the person against whom it runs or the person's attorney, and notice of the order must be given to the other parties to the proceedings or their attorneys.*

(g) *Any party to a proceeding before the commission or the attorney general may make and perfect an appeal from the order in accordance with chapter 14.*

If the court finds from an examination of the record that the commission erroneously rejected evidence that should have been admitted, it shall remand the proceedings to the commission with instructions to receive the evidence rejected and any rebutting evidence and to make new findings and return them to the court for further review. Then the commission, after notice to the parties in interest, shall proceed to rehear the matter in controversy and receive the wrongfully rejected evidence and any rebutting evidence offered and make new findings, as upon the original hearing, and transmit it and the new record properly certified to the court of appeals, when the matter shall be again considered by the court in the same manner as in an original appeal.

(h) *When an appeal is taken from any order of the commission under this chapter, the commission shall, without delay, have a certified transcript made of all proceedings, pleadings and files, and testimony taken or offered before it upon which the order was based, showing particularly what, if any, evidence offered was excluded. The transcript must be made and filed with the court administrator of the district court where the appeal is pending.*

Subd. 5. [EXTENSION OF FACILITIES.] *A telecommunications carrier may extend its facilities into or through a statutory or home rule charter city or town of this state for furnishing its services, subject to the regulation of the governing body of the city or town relative to the location of poles and wires and the preservation of the safe and convenient use of streets and alleys by the public. Nothing in this subdivision shall be construed to allow or prohibit facilities bypass of the local exchange telephone company, nor shall it be construed to prohibit the commission from issuing orders concerning facilities bypass of the local exchange telephone company.*

Subd. 6. [TARIFF OR PRICE LIST CHANGES.] (a) *Telecommunications carriers may:*

(1) *decrease the rate for a service, or make any change in a tariff or price*

list that results in a decrease in rates, effective without notice to its customers or the commission; and

(2) offer a new service, increase the rate for a service, or change the terms, conditions, rules, and regulations of its service offering effective upon notice to its customers. Subject to subdivisions 2 and 9, a telecommunications carrier may discontinue a service, except that a telecommunications carrier must first obtain prior commission approval before discontinuing service to another telecommunications carrier if end users would be deprived of service because of the discontinuance.

(b) A telecommunications carrier may give notice to its customers by bill inserts, by publication in newspapers of general circulation, or by any other reasonable means.

Subd. 7. [OCCASIONAL USE.] A telecommunications carrier shall not be deemed to provide local exchange services within the meaning of sections 237.01 and 237.035 merely because of occasional use of the service by the customer for local exchange service related to the provision of interexchange services.

Subd. 8. [UNIFORM RULES.] Telecommunications carriers are subject to uniform rules pertaining to the conduct of intrastate telephone services by telecommunications carriers that the commission has prescribed and may prescribe, to the extent the rules are not inconsistent with this section. Rules, forms, or reports required by the commission must conform as nearly as practicable to the rules, forms, or reports prescribed by the Federal Communications Commission for interstate business.

Subd. 9. [DISCONTINUANCE.] If a physical connection exists between a telephone exchange system operated by a telephone company and the toll line or lines operated by a telecommunications carrier, neither of the companies shall have the connection severed or the service between the companies discontinued without first obtaining an order from the commission upon an application for permission to discontinue the physical connection. Upon the filing of an application for discontinuance of the connection, the department shall investigate and ascertain whether public convenience requires the continuance of the physical connection, and if the department so finds, the commission shall fix the compensation, terms, and conditions of the continuance of the physical connection and service between the telephone company and the telecommunications carrier. Prior commission approval is not required for severing connections where multiple local exchange companies are authorized to provide service. However, the commission may require the connections if it finds that the connections are in the public interest.

Subd. 10. [COST OF EXAMINATION; ASSESSMENT OF EXPENSES; LIMITATION; OBJECTIONS.] Section 237.295 applies to telecommunications carriers as it does to telephone companies.

Subd. 11. [ENFORCEMENT; PENALTIES AND REMEDIES.] (a) This section and rules and orders of the commission adopted or issued under this section may be enforced by criminal prosecution, action to recover civil penalties, injunction, action to compel performance, other appropriate action, or any combination of penalties and remedies.

(b) A person who knowingly and intentionally violates this section or a rule or order of the commission adopted or issued under this section shall forfeit

and pay to the state a penalty, in an amount to be determined by the court, of at least \$100 and not more than \$1,000 for each day of each violation. The civil penalties provided for in this paragraph may be recovered by a civil action brought by the attorney general in the name of the state. Amounts recovered under this paragraph must be paid into the state treasury.

Subd. 12. [CERTIFICATION REQUIREMENT.] No telecommunications carrier shall construct or operate any line, plant, or system, or any extension of it, or acquire ownership or control of it, either directly or indirectly, without first obtaining from the commission a determination that the present or future public convenience and necessity require or will require the construction, operation, or acquisition, and a new certificate of territorial authority. Nothing in this subdivision requires a telecommunications carrier that has been certified by the commission to provide telephone service before the effective date of this section, to be recertified under this subdivision. Nothing in this subdivision shall be construed to allow or prohibit facilities bypass of the local exchange telephone company, nor shall it be construed to prohibit the commission from issuing orders concerning facilities bypass of the local exchange telephone company.

Sec. 5. [237.75] [CLASS SERVICE.]

Subdivision 1. [DEFINITION.] For purposes of this section, "CLASS" or "custom local area signaling service" means a custom calling telephone service that is enabled through the installation or use of Signaling System 7 or similar signaling system and that includes at least the following features:

- (1) automatic call back;*
- (2) automatic recall;*
- (3) calling number delivery, commonly known as "caller identification";*
- (4) calling number delivery blocking;*
- (5) customer originated call tracing;*
- (6) distinctive ringing/call waiting;*
- (7) selective call acceptance;*
- (8) selective call forwarding; and*
- (9) selective call rejection.*

Subd. 2. [CLASS; TERMS AND CONDITIONS.] By January 1, 1994, the commission shall determine the terms and conditions under which CLASS services may be provided by telephone companies in this state.

Subd. 3. [CLASS; CAPABILITY AND OFFERING OF SERVICE.] Each telephone company that provides local telephone service to persons located in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington shall obtain the capability to offer CLASS services in those counties by January 1, 1995, unless the commission approves an extension to a date certain.

Sec. 6. [REPEALER.]

Minnesota Statutes 1992, section 237.59, subdivision 7, is repealed."

Delete the title and insert:

"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; mandating availability of custom local area signaling service in metropolitan area; 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."

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

Senate Conferees: (Signed) Steven G. Novak, Janet B. Johnson, Kevin M. Chandler

House Conferees: (Signed) Joel Jacobs, Steve Kelley, Dave Gruenes

Mr. Novak moved that the foregoing recommendations and Conference Committee Report on S.F. No. 512 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 512 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed 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 that the House has adopted the recommendation and report of the Conference Committee on House File No. 287, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 287 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1993

CONFERENCE COMMITTEE REPORT ON H.F. NO. 287

A bill for an act relating to waste management; encouraging local government units to use purchasing techniques to reduce waste and develop markets for recycled products; prohibiting burning and burial of harmful materials on farms; defining packaging; prohibiting disposal of unprocessed mixed municipal solid waste; extending the time to construct certain projects with grant money; authorizing counties to count waste reduction toward 1996 recycling goals; providing for county management and service contracts; requiring local government units to separately account for all revenue and spending related to waste management; requiring collectors of commercial waste to disclose where the waste is deposited; prohibiting fluorescent and high intensity discharge lamps in solid waste; clarifying that organized waste collection is one of several tools for cities and counties to use to collect waste; requiring reporting of tipping fee schedules at all waste facilities; requiring owners or operators of waste facilities that are publicly financed to account for charges and expenditures related to the facilities; regulating lamp recycling facilities; requiring electric utilities to encourage use of fluorescent and high intensity discharge lamps and to collect spent lamps; requiring a study of such lamps; extending by one year the solid waste field citation pilot program; providing for the postponement of certain waste collection fees; requiring a certain number of base units for homesteaded multiunit dwellings; clarifying the effects of the repeal of the metropolitan landfill siting process; providing for reports; amending Minnesota Statutes 1992, sections 16B.121; 16B.122, by adding a subdivision; 17.135; 115.071, subdivision 1; 115A.03, by adding a subdivision; 115A.034; 115A.54, subdivision 2a; 115A.5501, subdivision 3; 115A.551, subdivisions 2a and 4; 115A.552, subdivision 2; 115A.557, subdivision 3; 115A.56; 115A.916; 115A.929; 115A.932, subdivision 1; 115A.94, subdivisions 5 and 6; 115A.941; 115A.9651; 115A.981; 116.78, by adding a subdivision; 116.92, subdivision 7; 216B.241, by adding a subdivision; 325E.1151, subdivision 1; 325E.12; 325E.125, subdivision 1; 325E.1251; 400.04, subdivisions 3 and 4; 400.08, subdivision 3; 473.149, subdivision 6; 473.803, subdivision 3; 473.8441, subdivision 5; 473.846; and 473.848, subdivisions 2 and 3; Laws 1991, chapter 347, article 1, sections 15, subdivisions 1 and 6; and 20; Laws 1992, chapter 593, article 1, section 55; proposing coding for new law in Minnesota Statutes, chapters 115A and 116.

May 11, 1993

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 287, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 287 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 16B.121, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. Minnesota Statutes 1992, section 16B.123, is amended to read:

16B.123 [PACKING MATERIALS.]

Subdivision 1. [REQUIRED USE.] Whenever technically feasible, a public entity shall purchase and use degradable loose foam packing material manufactured from vegetable starches or other renewable resources, unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources.

Subd. 2. [DEFINITION; PACKING MATERIAL.] For the purposes of this section, "packing material" means loose foam material, other than an exterior packaging shell, that is used to stabilize, protect, cushion, or brace the contents of a package.

Subd. 3. [PURCHASE OF PACKAGED PRODUCTS.] Whenever practicable, a public entity shall specify use of degradable loose foam packing material in contracting for purchase of packaged products, unless the cost of packaging a product with loose foam packing material is more than ten percent greater than the cost of packaging the product with loose foam packing material made from nonrenewable resources.

Sec. 4. Minnesota Statutes 1992, section 16B.24, is amended by adding a subdivision to read:

Subd. 11. [RECYCLING OF FLUORESCENT LAMPS.] When a fluorescent lamp containing mercury is removed from service in a building or premises owned by the state or rented by the state, the commissioner shall ensure that the lamp is recycled if a recycling facility, which has been licensed or permitted by the agency or is operated subject to a compliance agreement with, or other approval by, the commissioner, is available in this state.

Sec. 5. Minnesota Statutes 1992, section 17.135, is amended to read:

17.135 [FARM DISPOSAL OF SOLID WASTE.]

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

(b) This exemption does not apply to burning tires or plastics, except plastic baling twine, or to burning or burial of the following materials:

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

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

(3) household batteries;

(4) used motor oil; and

(5) lead acid batteries from motor vehicles.

Sec. 6. Minnesota Statutes 1992, section 115.071, subdivision 1, is amended to read:

Subdivision 1. [REMEDIES AVAILABLE.] The provisions of sections 103F.701 to 103F.761, chapters 115, 115A, and 116, and sections 325E.10 to 325E.1251 and 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance, and permits adopted or issued by the agency thereunder or under any other law now in force or hereafter enacted for the prevention, control, or abatement of pollution may be enforced by any one or

any combination of the following: criminal prosecution; action to recover civil penalties; injunction; action to compel performance; or other appropriate action, in accordance with the provisions of said chapters and this section.

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

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

Sec. 8. Minnesota Statutes 1992, section 115A.03, is amended by adding a subdivision to read:

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

Sec. 9. Minnesota Statutes 1992, section 115A.034, is amended to read:

115A.034 [ENFORCEMENT.]

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

Sec. 10. [115A.415] [SUBSTANDARD DISPOSAL FACILITIES.]

Beginning July 1, 1995:

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

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

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

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

Sec. 11. Minnesota Statutes 1992, section 115A.54, subdivision 2a, is amended to read:

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

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

the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less.

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

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

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

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

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

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

Sec. 12. Minnesota Statutes 1992, section 115A.5501, subdivision 3, is amended to read:

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

Beginning in 1993, by February 1 of each year the owner or operator of a facility governed by this subdivision shall submit a report to the commissioner, on a form prescribed by the commissioner, ~~information~~ specifying the total amount of solid waste received by the facility between January 1 and December 31 of the previous year. The commissioner shall calculate the total amount of solid waste delivered to solid waste facilities from the reports

received from the facility owners or operators and shall report the aggregate amount to the director by April 1 of each year. The commissioner shall assess a nonforgivable administrative penalty under section 116.072 of \$500 plus any forgivable amount necessary to enforce this subdivision on any owner or operator who fails to submit a report required by this subdivision.

Sec. 13. Minnesota Statutes 1992, section 115A.551, subdivision 2a, is amended to read:

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

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

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

Each county will develop and implement or require political subdivisions within the county to develop and implement programs, practices, or methods designed to meet its recycling goal. Nothing in this section or in any other law may be construed to prohibit a county from establishing a higher recycling goal. For the purposes of this subdivision "recycle" and "total solid waste generation" have the meanings given them in subdivision 1, except that neither includes yard waste.

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

Sec. 14. Minnesota Statutes 1992, section 115A.551, subdivision 4, is amended to read:

Subd. 4. [INTERIM MONITORING.] The office, for counties outside of the metropolitan area, and the metropolitan council, for counties within the metropolitan area, shall monitor the progress of each county toward meeting the recycling goals in subdivisions 2 and 2a ~~and~~. The office shall report to the legislative commission on waste management on the progress of the counties by July 1 of each year. *The metropolitan council shall report to the legislative commission on waste management on the progress of the counties by July 1 of each year.* If the office or the council finds that a county is not progressing toward the goals in subdivisions 2 and 2a, it shall negotiate with the county to develop and implement solid waste management techniques designed to assist the county in meeting the goals, such as organized collection, curbside collection of source-separated materials, and volume-based pricing.

In even-numbered years the office's progress report may be included in the solid waste management policy report required under section 115A.411. *The metropolitan council's progress report shall be included in the report required by section 473.149.*

Sec. 15. Minnesota Statutes 1992, section 115A.56, is amended to read:

115A.56 [RECYCLED CONTENT; LABELS.]

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

- (1) by weight for a finished nonpaper product or package; and
- (2) by fiber content for a finished paper product or package.

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

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

Sec. 16. Minnesota Statutes 1992, section 115A.916, is amended to read:

115A.916 [USED OIL; LAND DISPOSAL PROHIBITED MOTOR AND VEHICLE FLUIDS AND FILTERS; PROHIBITIONS.]

A person may not place ~~used~~ motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters, or antifreeze:

- (1) in ~~mixed municipal solid waste or place used oil;~~
- (2) in or on the land, unless approved by the agency; or
- (3) *in or on the waters of the state or in a stormwater or wastewater collection or treatment system. This section may be enforced by the agency pursuant to sections 115.071 and 116.072.*

For the purposes of this section, "antifreeze" does not include small amounts of antifreeze contained in water used to flush the cooling system of a vehicle after the antifreeze has been drained and does not include deicer that has been used on the exterior of a vehicle.

This section does not apply to antifreeze placed in a wastewater collection system that includes a publicly owned treatment works that is permitted by the agency until July 1, 1995.

Sec. 17. Minnesota Statutes 1992, section 115A.929, is amended to read:

115A.929 [FEES; ACCOUNTING.]

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

- (1) all fees, charges, and surcharges collected under sections 115A.919, 115A.921, and 115A.923;*
- (2) all tipping fees collected at waste management facilities owned or operated by the local government unit;*

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

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

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

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

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

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

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

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

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

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

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

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

(1) in solid waste; or

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

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

Sec. 20. Minnesota Statutes 1992, section 115A.94, subdivision 5, is amended to read:

Subd. 5. [COUNTY ORGANIZED COLLECTION.] (a) A county may by ordinance require cities and towns within the county to organize collection. Organized collection ordinances of counties may:

(1) require cities and towns to require the separation and separate collection of recyclable materials;

(2) specify the material to be separated; and

(3) require cities and towns to meet any performance standards for source separation that are contained in the county solid waste plan.

(b) A county may itself organize collection *under subdivision 4* in any city or town that does not comply with a county organized collection ordinance adopted under this subdivision, and the county may implement, as part of its organized collection, the source separation program and performance standards required by its organized collection ordinance.

Sec. 21. Minnesota Statutes 1992, section 115A.94, subdivision 6, is amended to read:

Subd. 6. [ORGANIZED COLLECTION NOT REQUIRED OR PREVENTED.] (a) *The authority granted in this section to organize solid waste collection is optional and is in addition to authority to govern solid waste collection granted by other law.*

(b) Except as provided in subdivision 5, a city, town, or county is not:

(1) required to organize collection; or

(2) prevented from organizing collection of solid waste or recyclable material.

(c) *Except as provided in subdivision 5, a city, town, or county may exercise any authority granted by any other law, including a home rule charter, to govern collection of solid waste.*

Sec. 22. Minnesota Statutes 1992, section 115A.941, is amended to read:

115A.941 [SOLID WASTE; REQUIRED COLLECTION.]

(a) Except as provided in paragraph (b), each city, and town *described in section 368.01, with a population of 1,000 or more, and any other town with a population of 5,000 or more* shall ensure that every residential household and business in the city or town has solid waste collection service. To comply with this section, a city or town may organize collection, provide collection, or require by ordinance that every household and business has a contract for

collection services. An ordinance adopted under this section must provide for enforcement.

(b) A city or town with a population of 5,000 or more described in paragraph (a) may exempt a residential household or business in the city or town from the requirement to have solid waste collection service if the household or business ensures that an environmentally sound alternative is used.

(c) To the extent practicable, the costs incurred by a city or town under this section must be incorporated into the collection system or the enforcement mechanisms adopted under this section by the city or town.

Sec. 23. [115A.9523] [HAZARDOUS PRODUCTS; LABELING.]

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

(b) "Hazardous product" means a product that, as a product or when it becomes a waste, exhibits a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, or any combination of these characteristics, as defined and listed under the criteria in Code of Federal Regulations, title 40, sections 261.20 to 261.24. "Hazardous product" does not include:

(1) a pesticide that is registered under chapter 18B;

(2) a product that is required to be labeled for proper waste management under other state or federal law;

(3) a battery that complies with sections 115A.961 and 325E.125 as applicable to the battery; or

(4) a prescription drug.

(c) "Product" means tangible personal property that is manufactured or imported for retail sale or use in this state. "Product" does not include a durable good with an expected useful life of three years or more.

Subd. 2. [UNIFORM LABEL.] The director shall adopt a rule to establish a uniform label for hazardous products that must include at least a warning that, as waste, the product contains a hazardous material that can harm the environment if not properly managed and information for proper management or disposal of the waste product.

Subd. 3. [LABEL; REQUIRED USE.] After January 1, 2000, a manufacturer may not knowingly offer a hazardous product for distribution, sale, or use in this state unless the product is labeled, on the product itself or on the container, with the label adopted under subdivision 2. This subdivision is not effective if the federal government adopts and implements uniform labeling of hazardous products by January 1, 2000, and if the label required both warns of the presence of hazardous material and informs of proper management of the product as waste. For the purposes of this subdivision, a retailer or a distributor is not a manufacturer and is not subject to the requirements of this section.

Sec. 24. Minnesota Statutes 1992, section 115A.965, subdivision 1, is amended to read:

Subdivision 1. [PACKAGING.] (a) As soon as feasible but not later than August 1, 1993, no manufacturer or distributor may sell or offer for sale or for

promotional purposes in this state packaging or a product that is contained in packaging if the packaging itself, or any inks, dyes, pigments, adhesives, stabilizers, or any other additives to the packaging contain any lead, cadmium, mercury, or hexavalent chromium that has been intentionally introduced as an element during manufacture or distribution of the packaging. Intentional introduction does not include the incidental presence of any of the prohibited elements.

(b) For the purposes of this section:-

(1) "distributor" means a person who imports packaging or causes packaging to be imported into the state; and

(2) until August 15, 1995, "packaging" does not include steel strapping containing a total concentration level of lead, cadmium, mercury, and hexavalent chromium, added together, of less than 100 parts per million by weight.

Sec. 25. Minnesota Statutes 1992, section 115A.9651, is amended to read:

115A.9651 [TOXICS IN PRODUCTS; ENFORCEMENT.]

After July 1, 1994, no person may deliberately introduce lead, cadmium, mercury, or hexavalent chromium into any ink, dye, pigment, paint, or fungicide that is intended for use or for sale in this state.

Until July 1, 1997, this section does not apply to electrodeposition primer coating, porcelain enamel coatings, medical devices, hexavalent chromium in the form of chromine acid when processed at a temperature of at least 750 degrees Fahrenheit, or ink used for computer identification markings.

This section does not apply to art supplies.

This section may be enforced under sections 115.071 and 116.072. The attorney general or the commissioner of the agency shall coordinate enforcement of this section with the director of the office.

Sec. 26. Minnesota Statutes 1992, section 115A.981, is amended to read:

115A.981 [SOLID WASTE MANAGEMENT; ECONOMIC STATUS AND OUTLOOK.]

Subdivision 1. [RECORD KEEPING REQUIREMENTS.] The owner or operator of a solid waste disposal facility must maintain the records necessary to comply with the requirements of subdivision 2.

Subd. 2. [ANNUAL REPORTING.] (a) The owner or operator of a solid waste disposal facility shall submit an annual report to the commissioner that includes:

(1) a certification that the owner or operator has established financial assurance for closure, postclosure care, and corrective action at the facility by using one or more of the financial assurance mechanisms specified by rule and specification of the financial assurance mechanism used, including the amount paid in or assured during the past year and the total amount of financial assurance accumulated to date; and

(2) a schedule of fees charged by at the facility for waste management, including all tipping fees, rates, charges, surcharges, and any other fees charged to each classification of customer.

(b) *The owner or operator of a solid waste facility, other than a private recycling facility, that is not a disposal facility and that is not governed by paragraph (c) shall submit an annual report to the commissioner that includes a schedule of fees charged at the facility for waste management, including all tipping fees, rates, charges, surcharges, and any other fees charged to each classification of customers.*

(c) *The owner or operator of a solid waste facility whose construction or operation was or is wholly or partially publicly financed, except when the public financing consists entirely of a grant for less than 15 percent of the cost of construction or consists solely of the sale of revenue bonds, and a local government unit that is the owner or operator of a solid waste facility shall submit an annual report to the commissioner that includes:*

(1) a schedule of fees charged at the facility for waste management, including all tipping fees, rates, charges, surcharges, and any other fees charged to each classification of customers;

(2) a description of the amounts and sources of capital financing for the facility, including current debt and principal and interest payments made on the debt to date;

(3) an accounting of the costs of administration and operation of the facility;

(4) identification of the source and amount of any additional financing for the administration or operation of the facility not included in the fees reported under clause (1); and

(5) identification of the purposes of expenditure of any fees reported under clause (1) that are not expended for servicing or repaying debt on the facility or for administration and operation of the facility.

(d) *The agency may suspend the operation of a disposal facility whose permittee fails to file the information required under this subdivision. The owner or operator of a facility may not increase fees until 30 days after the owner or operator has submitted a fee schedule amendment to the commissioner.*

Subd. 3. [REPORT.] (a) *The commissioner shall report to the legislative commission on waste management by July 1 of each odd-numbered year on the economic status and outlook of the state's solid waste management sector including:*

(1) an estimate of the extent to which prices for solid waste management paid by consumers reflect costs related to environmental and public health protection, including a discussion of how prices are publicly and privately subsidized and how identified costs of waste management are not reflected in the prices;

(2) a discussion of how the market structure for solid waste management influences prices, considering:

(i) changes in the solid waste management market structure;

(ii) the relationship between public and private involvement in the market; and

(iii) the effect on market structures of waste management laws and rules; and

(3) any recommendations for strengthening or improving the market structure for solid waste management to ensure protection of human health and the environment, taking into account the preferred waste management practices listed in section 115A.02 and considering the experiences of other states.

(b) In preparing the report, the commissioner shall:

(1) consult with the director; the metropolitan council; local government units; solid waste collectors, transporters, and processors; owners and operators of solid waste disposal facilities; and other interested persons;

(2) consider information received under subdivision 2; and

(3) analyze information gathered and comments received relating to the most recent solid waste management policy report prepared under section 115A.411.

The commissioner shall also recommend any legislation necessary to ensure adequate and reliable information needed for preparation of the report.

(c) If an action recommended by the commissioner under paragraph (a) would significantly affect the solid waste management market structure, the commissioner shall, in consultation with the entities listed in paragraph (b), clause (1), prepare and include in the report an analysis of the potential impacts and effectiveness of the action, including impacts on:

(1) the public and private waste management sectors;

(2) future innovation and responsiveness to new approaches to solid waste management; and

(3) the costs of waste management.

(d) The report must also include:

(1) statewide and facility by facility estimates of the total potential costs and liabilities associated with solid waste disposal facilities for closure and postclosure care, response costs under chapter 115B, and any other potential costs, liabilities, or financial responsibilities;

(2) statewide and facility by facility requirements for proof of financial responsibility under section 116.07, subdivision 4h, and how each facility is meeting those requirements.

Sec. 27. Minnesota Statutes 1992, section 116.78, is amended by adding a subdivision to read:

Subd. 3a. [WASTE CONTAINERS.] Noninfectious mixed municipal solid waste generated by a facility must be placed for containment, collection, and processing or disposal in containers that are sufficiently transparent that the contents of the containers may be viewed from the exterior of the containers. The operator of a mixed municipal solid waste facility may not refuse to accept mixed municipal solid waste generated by a facility that complies with this subdivision, unless the operator observes that the waste contains sharps or other infectious waste.

Sec. 28. Minnesota Statutes 1992, section 116.92, subdivision 7, is amended to read:

Subd. 7. [FLUORESCENT AND HIGH INTENSITY DISCHARGE LAMPS; LARGE USE APPLICATIONS.] (a) A person who sells fluorescent or high intensity discharge lamps that contain mercury to the owner or manager of an industrial, commercial, office, or multiunit residential building, or to any person who replaces or removes from service outdoor lamps that contain mercury, shall clearly inform the purchaser in writing on the invoice for the lamps, or in a separate writing, that the lamps contain mercury, a hazardous substance that is regulated by federal or state law *and that they may not be placed in solid waste*. This paragraph does not apply to a person who incidentally sells fluorescent or high intensity discharge lamps at retail to the specified purchasers.

(b) A person who contracts with the owner or manager of an industrial, commercial, office, or multiunit residential building, or with a person responsible for outdoor lighting, to remove from service fluorescent or high intensity discharge lamps that contain mercury shall clearly inform, in writing, the person for whom the work is being done that the lamps being removed from service contain mercury and what the contractor's arrangements are for the management of the mercury in the removed lamps.

Sec. 29. [116.93] [LAMP RECYCLING FACILITIES.]

Subdivision 1. [DEFINITION.] For the purposes of this section, "lamp recycling facility" means a facility operated to remove, recover, and recycle for reuse mercury or other hazardous materials from fluorescent or high intensity discharge lamps.

Subd. 2. [LAMP RECYCLING FACILITY; PERMITS OR LICENSES.] (a) A person may not operate a lamp recycling facility without obtaining a permit or license for the facility from the agency. The permit or license must require:

- (1) a plan for response to releases, including emergency response;
 - (2) proof of financial responsibility for closure and any necessary postclosure care at the facility which may include a performance bond or other insurance; and
 - (3) liability insurance or another financial mechanism that provides proof of financial responsibility for response actions required under chapter 115B.
- (b) A lamp recycling facility that is licensed or permitted by a county under section 473.811, subdivision 5b, complies with this subdivision if the license or permit held by the facility contains at least all the terms and conditions required by the agency for a license or permit issued under this subdivision.
- (c) A lamp recycling facility with a demonstrated capability for recycling that is in operation prior to adoption of rules for a licensing or permitting process for the facility by the agency may continue to operate in accordance with compliance agreement or other approval by the commissioner until a license or permit is issued by the agency under this subdivision.

Sec. 30. [116.94] [LOOSE FOAM PACKING MATERIAL; DIFFERENTIATION.]

(a) By July 1, 1995, the commissioner shall adopt rules to implement a method for easily and visually differentiating between packing material that is manufactured using only vegetable starches or other renewable resources and packing material manufactured using petroleum and other nonrenewable resources.

(b) For the purposes of this section "packing material" has the meaning given in section 16B.123, subdivision 2.

(c) This section applies only if loose foam packing material manufacturers do not establish and implement a differentiation method that complies with paragraph (a) not later than July 1, 1994.

Sec. 31. Minnesota Statutes 1992, section 216B.241, is amended by adding a subdivision to read:

Subd. 5. [CONSERVATION IMPROVEMENT PROGRAM; EFFICIENT LIGHTING.] (a) Each public utility, cooperative electric association, and municipal utility that provides electric service to retail customers shall include as part of its conservation improvement activities a program to strongly encourage the use of fluorescent and high intensity discharge lamps. The program must include at least a public information campaign to encourage use of the lamps and proper management of spent lamps by all customer classifications.

(b) A public utility that provides electric service at retail to 200,000 or more customers shall establish, either directly or through contracts with other persons, including lamp manufacturers, distributors, wholesalers, and retailers and local government units, a system to collect for delivery to a reclamation or recycling facility spent fluorescent and high intensity discharge lamps from households and from small businesses as defined in section 645.445 that generate an average of fewer than ten spent lamps per year.

(c) A collection system must include establishing reasonably convenient locations for collecting spent lamps from households and financial incentives sufficient to encourage spent lamp generators to take the lamps to the collection locations. Financial incentives may include coupons for purchase of new fluorescent or high intensity discharge lamps, a cash back system, or any other financial incentive or group of incentives designed to collect the maximum number of spent lamps from households and small businesses that is reasonably feasible.

(d) A public utility that provides electric service at retail to fewer than 200,000 customers, a cooperative electric association, or a municipal utility that provides electric service at retail to customers may establish a collection system under paragraphs (b) and (c) as part of conservation improvement activities required under this section.

(e) The commissioner of the pollution control agency may not, unless clearly required by federal law, require a public utility, cooperative electric association, or municipality that establishes a household fluorescent and high intensity discharge lamp collection system under this section to manage the lamps as hazardous waste as long as the lamps are managed to avoid breakage and are delivered to a recycling or reclamation facility that removes mercury and other toxic materials contained in the lamps prior to placement of the lamps in solid waste.

(f) *If a public utility, cooperative electric association, or municipal utility contracts with a local government unit to provide a collection system under this subdivision, the contract must provide for payment to the local government unit of all the unit's incremental costs of collecting and managing spent lamps.*

(g) *All the costs incurred by a public utility, cooperative electric association, or municipal utility for promotion and collection of fluorescent and high intensity discharge lamps under this subdivision are conservation improvement spending under this section.*

Sec. 32. Minnesota Statutes 1992, section 325E.1151, subdivision 1, is amended to read:

Subdivision 1. [PURCHASERS MUST RETURN BATTERY OR PAY \$5.]

(a) A person who purchases a lead acid battery at retail, *except a lead acid battery that is designed to provide power for a boat motor that is purchased at the same time as the battery,* must:

(1) return a lead acid battery to the retailer; or

(2) pay the retailer a \$5 surcharge.

(b) A person who has paid a \$5 surcharge under paragraph (a) must receive a \$5 refund from the retailer if the person returns a lead acid battery with a receipt for the purchase of a new battery from that retailer within 30 days after purchasing a new lead acid battery.

(c) A retailer may keep the unrefunded surcharges for lead acid batteries not returned within 30 days.

Sec. 33. Minnesota Statutes 1992, section 325E.12, is amended to read:

325E.12 [PENALTY.]

~~Any person violating~~ *Violation of sections 325E.10 to 325E.12 shall be guilty of 325E.1151 is a petty misdemeanor. Sections 325E.10 to 325E.1151 may be enforced under section 115.071.*

Sec. 34. Minnesota Statutes 1992, section 325E.125, subdivision 1, is amended to read:

Subdivision 1. [LABELING.] (a) The manufacturer of a button cell battery that is to be sold in this state shall ensure that each battery *contains no intentionally introduced mercury or* is labeled to clearly identify for the final consumer of the battery the type of electrode used in the battery.

(b) The manufacturer of a rechargeable battery that is to be sold in this state shall ensure that each rechargeable battery is labeled to clearly identify for the final consumer of the battery the type of electrode and the name of the manufacturer. The manufacturer of a rechargeable battery shall also provide clear instructions for properly recharging the battery.

Sec. 35. Minnesota Statutes 1992, section 325E.1251, is amended to read:

325E.1251 [PENALTY ENFORCEMENT.]

Subdivision 1. [PENALTY.] ~~Violation of sections 415A.9155 and section 325E.125 is a misdemeanor. A manufacturer who violates section 415A.9155 or 325E.125 is also subject to a minimum fine of \$100 per violation.~~

Subd. 2. [RECOVERY OF COSTS.] *Section 325E.125 may be enforced under section 115.071. In an enforcement action under this section in which the state prevails, the state may recover reasonable administrative expenses, court costs, and attorney fees incurred to take the enforcement action, in an amount to be determined by the court.*

Sec. 36. Minnesota Statutes 1992, section 400.04, subdivision 3, is amended to read:

Subd. 3. [ACQUISITION, CONSTRUCTION, AND OPERATION OF PROPERTY AND FACILITIES.] A county may acquire, construct, enlarge, improve, repair, supervise, control, maintain, and operate any and all solid waste facilities and other property and facilities needed, used, or useful for solid waste management purposes. Notwithstanding any other law to the contrary, a county may ~~contract for recycling services, and~~ purchase and lease materials, equipment, machinery, and such other personal property as is necessary for such purposes *including recycling* upon terms and conditions determined by the board, with or without advertisement for bids including the use of conditional sales contracts and lease-purchase agreements. If a county contract is let by negotiation, without advertising for bids, the county shall conduct such negotiation and award the contract using a fair and open procedure and in full compliance with section 471.705. If a county contract is to be awarded by bid, the county may, after notice to the public and prospective bidders, conduct a fair and open process of prequalification of bidders prior to advertisement for bids. A county may employ such personnel as are reasonably necessary for the care, maintenance and operation of such property and facilities. A county shall contract with private persons for the construction, maintenance, and operation of solid waste facilities where the facilities are adequate and available for use and competitive with other means of providing the same service.

Sec. 37. Minnesota Statutes 1992, section 400.04, subdivision 4, is amended to read:

Subd. 4. [MANAGEMENT AND SERVICE CONTRACTS.] *Notwithstanding sections 375.21 and 471.345, a county may enter into contracts for the construction, installation, maintenance and operation of property and facilities on private or public lands and may contract for the furnishing of solid waste management services- upon terms and conditions determined by the board, with or without advertisement for bids, including the use of conditional sales contracts and lease-purchase agreements. If a county contract is let by negotiation, without advertising for bids, the county shall conduct negotiations and award the contract using a fair and open procedure and in full compliance with section 471.705.*

Sec. 38. Minnesota Statutes 1992, section 400.08, subdivision 3, is amended to read:

Subd. 3. [SERVICE CHARGES.] The county may establish by ordinance, revise when deemed advisable, and collect just and reasonable rates and charges for solid waste management services provided by the county or by others under contract with the county. The ordinance may obligate the owners, lessees, or occupants of property, or any or all of them, to pay charges for solid waste management services to their properties, *including properties owned, leased, or used by the state or a political subdivision of the state, including the regional transit board established in section 473.373, the metropolitan airports commission established in section 473.603, the state*

agricultural society established in section 37.01, a local government unit, and any other political subdivision, and may obligate the user of any facility to pay a reasonable charge for the use of the facility. Rates and charges may take into account the character, kind, and quality of the service and of the solid waste, the method of disposition, the number of people served at each place of collection, and all other factors that enter into the cost of the service, including but not limited to depreciation and payment of principal and interest on money borrowed by the county for the acquisition or betterment of facilities. A notice of intention to enact an ordinance, published pursuant to section 375.51, subdivision 2, shall provide for a public hearing prior to the meeting at which the ordinance is to be considered.

Sec. 39. Minnesota Statutes 1992, section 473.149, subdivision 6, is amended to read:

Subd. 6. [REPORT TO LEGISLATURE.] The council shall report on abatement to the legislative commission on waste management by ~~November~~ *July 1* of each year. The report must include an assessment of whether the objectives of the metropolitan abatement plan have been met and whether each county and each class of city within each county have achieved the objectives set for it in the council's plan. The report must recommend any legislation that may be required to implement the plan. *The report shall include the reports required by sections 115A.551, subdivision 5; 473.846; and 473.848, subdivision 4.* If in any year the council reports that the objectives of the council's abatement plan have not been met, the council shall evaluate and report on the need to reassign governmental responsibilities among cities, counties, and metropolitan agencies to assure implementation and achievement of the metropolitan and local abatement plans and objectives.

The report in each even-numbered year must include a report on the operating, capital, and debt service costs of solid waste facilities in the metropolitan area; changes in the costs; the methods used to pay the costs; and the resultant allocation of costs among users of the facilities and the general public. The facility costs report must present the cost and financing analysis in the aggregate and broken down by county and by major facility.

Sec. 40. Minnesota Statutes 1992, section 473.803, subdivision 3, is amended to read:

Subd. 3. [ANNUAL REPORT.] *By April 1 of each year, each metropolitan county shall prepare and submit annually to the council for its approval a report containing information, as the council may prescribe in its policy plan, concerning solid waste generation and management within the county. The report shall include a statement of progress in achieving the land disposal abatement objectives for the county and classes of cities in the county as stated in the council's policy plan and county master plan. The report must list cities that have not satisfied the county performance standards for local abatement required by subdivision 1c. The report must include a schedule of rates and charges in effect or proposed for the use of any solid waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.*

The report shall contain the recycling development grant report required by section 473.8441 and the annual certification report required by section 473.848.

Sec. 41. Minnesota Statutes 1992, section 473.8441, subdivision 5, is amended to read:

Subd. 5. [GRANT ALLOCATION PROCEDURE.] (a) The council shall distribute the funds annually so that each qualifying county receives an equal share of 50 percent of the council's allocation to the program described in this section, plus a proportionate share of the remaining funds available for the program. A county's proportionate share is an amount that has the same proportion to the total remaining funds as the number of households in the county has to the total number of households in all metropolitan counties.

(b) To qualify for distribution of funds, a county, by ~~August 15~~ *April 1* of each year, must submit for council approval a report on expenditures and activities under the program during the preceding fiscal year and any proposed changes in its recycling implementation strategy or performance funding system. *The report shall be included in the county report required by section 473.803, subdivision 3.*

Sec. 42. Minnesota Statutes 1992, section 473.846, is amended to read:

473.846 [REPORT TO LEGISLATURE.]

~~By November 1, 1986, and each year thereafter,~~ The agency and metropolitan council shall submit to the senate finance committee, the house appropriations committee, and the legislative commission on waste management separate reports describing the activities for which money from the landfill abatement account and contingency action funds trust fund has been spent during the previous fiscal year. *The agency shall report by November 1 of each year. The council may shall incorporate its report in the report required by section 473.149, due July 1 of each year. In its 1988 report, The council shall make recommendations to the legislature legislative commission on waste management on the future management and use of the metropolitan landfill abatement fund account.*

Sec. 43. Minnesota Statutes 1992, section 473.848, subdivision 2, is amended to read:

Subd. 2. [COUNTY CERTIFICATION; COUNCIL APPROVAL.] (a) *By April 1 of each year, each county shall submit a semiannual an annual certification report to the council detailing:*

(1) the quantity of waste generated in the county that was not processed prior to transfer to a disposal facility during the ~~six months~~ *year* preceding the report;

(2) the reasons the waste was not processed;

(3) a strategy for development of techniques to ensure processing of waste including a specific timeline for implementation of those techniques; and

(4) any progress made by the county in reducing the amount of unprocessed waste.

The report shall be included in the county report required by section 473.803, subdivision 3.

(b) The council shall approve a county's *certification* report if it determines that the county is reducing and will continue to reduce the amount of unprocessed waste, based on the report and the county's progress in

development and implementation of techniques to reduce the amount of unprocessed waste transferred to disposal facilities. If the council does not approve a county's report, it shall negotiate with the county to develop and implement specific techniques to reduce unprocessed waste. If the council does not approve ~~three~~ two or more consecutive reports from any one county, the council shall develop specific reduction techniques that are designed for the particular needs of the county. The county shall implement those techniques by specific dates to be determined by the council.

Sec. 44. Minnesota Statutes 1992, section 473.848, subdivision 3, is amended to read:

Subd. 3. **[FACILITY CERTIFICATION; COUNTY REPORTS.]** (a) The operator of each resource recovery facility that receives waste from counties in the metropolitan area shall certify as unprocessable each load of mixed municipal solid waste it does not process. Certification must be made to each county that sends its waste to the facility at intervals specified by the county. Certification must include at least the number and size of loads certified as unprocessable and the reasons the waste is unprocessable. Loads certified as unprocessable must include the loads that would otherwise have been processed but were not processed because the facility was not in operation, but nothing in this section relieves the operator of its contractual obligations to process mixed municipal solid waste.

(b) ~~A county that sends its waste to a resource recovery facility shall submit a semiannual report to the council detailing the quantity of waste generated within the county that was not processed during the six months preceding the report, the reasons the waste was not processed, and a strategy for reducing the amount of unprocessed mixed municipal solid waste.~~

Sec. 45. Laws 1991, chapter 347, article 1, section 15, subdivision 1, is amended to read:

Subdivision 1. **[AUTHORITY TO ISSUE.]** Pollution control agency staff designated by the commissioner and department of natural resources conservation officers may issue citations to a person who disposes of solid waste as defined in Minnesota Statutes, section 116.06, subdivision 10, at a location not authorized by law for the disposal of solid waste without permission of the owner of the property. *A citation issued under this subdivision must include a requirement that the person cited remove and properly dispose or otherwise manage the waste.*

Sec. 46. Laws 1991, chapter 347, article 1, section 15, subdivision 6, is amended to read:

Subd. 6. **[STUDY OF FIELD CITATION PILOT PROGRAM.]** The pollution control agency, in consultation with the department of natural resources and the attorney general, shall prepare a study on the effectiveness and limitations of the field citation pilot program. The study must make recommendations about the continued use of field citations. The study must be submitted to the legislative commission on waste management by November 15, 1992, *and must be updated and resubmitted to the commission by November 15, 1993.*

Sec. 47. Laws 1991, chapter 347, article 1, section 20, is amended to read:

Sec. 20. **[EFFECTIVE DATE.]**

Section 19 is effective July 1, ~~1993~~ 1994.

Sec. 48. Laws 1992, chapter 593, article 1, section 55, is amended to read:

Sec. 55. [EFFECTIVE DATE.]

Except as provided in this section, article 1 is effective August 1, 1992.

Sections 22, 31 to 34, 37 to 40, and 45 are effective the day following final enactment.

Section 43 is effective August 1, 1991.

Sections 12; 17; 24; 27, subdivision 1; 29, subdivision 3; and 36 are effective January 1, 1993, and section 36 applies to sweeping compound manufactured on or after that date.

Section 18 is effective for products and packaging manufactured on or after January 1, 1993.

Section 35, paragraph (a), is effective ~~July 1, 1993~~ January 1, 1997, and paragraph (b) is effective July 1, 1993, and ~~applies those paragraphs apply to~~ batteries manufactured on or after ~~that date~~ those dates.

~~Sections 3 and 29, subdivision 2, are~~ Section 3 is effective August 1, 1993.

Sections 26 and 27, subdivision 2, are effective January 1, 1994.

Section 29, ~~subdivision~~ subdivisions 2 and 4, clauses (1) and (2), are effective August 1, 1994.

Sec. 49. [POLICY PLAN AMENDMENT.]

The metropolitan council shall amend the policy plan required by Minnesota Statutes, section 473.149, to incorporate the requirements imposed by sections 40 to 44.

Sec. 50. [WASTE TIRE REPORT; INCLUSION.]

The waste tire report due to the legislative commission on waste management under Minnesota Statutes, section 115A.913, subdivision 5, by November 15, 1993, must include an evaluation of the adequacy of existing mechanisms and systems for managing waste tires as they are generated. The commissioner of the pollution control agency shall include in the report recommendations for legislation, if needed, to ensure that mechanisms are in place or are put in place to collect, store, transport, recycle, and otherwise manage waste tires properly.

Sec. 51. [SOLID WASTE MANAGEMENT POLICY REPORT; POSTPONEMENT.]

Under Minnesota Statutes, section 115A.411, a solid waste management policy report is not due to the legislative commission on waste management until July 1, 1996. In the interim, any reports authorized to be included with that report may be submitted as a combined report on or before the dates required for their submission.

Sec. 52. [PACKAGING REPORT.]

By October 1, 1993, the director of the office of waste management shall report to the legislative commission on waste management, and to the policy and finance committees of the legislature that address environment and

natural resources, the current and projected costs of managing waste packaging under existing solid waste management systems.

Sec. 53. [FLUORESCENT AND HIGH INTENSITY DISCHARGE LAMPS; COLLECTION STUDY.]

The director of the office of waste management, in consultation with representatives of public utilities, electric cooperative associations, and municipal utilities that provide electric service to retail customers, the commissioners of the pollution control agency and the department of public service, the Minnesota technical assistance program, the director of the legislative commission on waste management, residential, commercial, and industrial electric power consumers, local government units, representatives of manufacturers, wholesalers, distributors, retailers, and recyclers of fluorescent and high intensity discharge lamps, and other interested persons, shall examine and evaluate the potential for collection systems for spent fluorescent and high intensity discharge lamps from households and small businesses. The director shall identify barriers to an effective collection system and approaches to reduce and remove those barriers.

By November 1, 1993, the director shall submit a report to the legislative commission on waste management that, at a minimum, recommends:

(1) collection and management systems for spent lamps that are generated within the service areas of public utilities not governed by Minnesota Statutes, section 216B.241, subdivision 5, paragraph (b), cooperative electric associations, and municipal utilities that provide electric service to retail customers; and

(2) an implementation plan that includes provisions for technical assistance to public utilities, electric cooperative associations, municipal utilities, lamp manufacturers, wholesalers, distributors, and retailers, and local government units that establish fluorescent and high intensity discharge lamp promotion programs and collection systems.

Any person may establish or participate in pilot projects to encourage the use and proper management of spent lamps as part of the study required under this section. All the costs incurred by a public utility, cooperative electric association, or municipal utility related to a pilot project are conservation improvement spending for the purposes of Minnesota Statutes 1992, section 216B.241.

Sec. 54. [SOLID WASTE FACILITIES; PROOF OF FINANCIAL RESPONSIBILITY; STUDY.]

The commissioner of the pollution control agency shall determine whether insurance mechanisms exist that may adequately meet the requirements for proof of financial responsibility for reasonable and necessary response actions at solid waste disposal facilities as required under Minnesota Statutes 1992, section 116.07, subdivision 4h. The commissioner shall report findings made under this section, along with any recommendations for legislation, to the legislative commission on waste management by November 1, 1993. The commissioner shall also review existing regulatory requirements for proof of financial responsibility to ensure that the requirements have resulted in viable and adequate financial mechanisms to cover all projected reasonable and necessary response costs at facilities.

Sec. 55. [RECYCLING GLOSSY PAPER; TECHNICAL ASSISTANCE; REPORT.]

The director of the office of waste management shall provide technical assistance to persons who collect materials for recycling to encourage collection and recycling of glossy paper magazines and catalogs.

The director shall also survey collectors of recyclable materials in the state and markets for recyclable materials to determine the extent to which glossy paper catalogs and magazines are collected for recycling, the extent to which markets exist for recyclable glossy paper, and the extent to which market demand for glossy paper is being met by recycling collectors. By December 1, 1993, the director shall report to the legislative commission on waste management:

(1) the approximate percentage of glossy paper in the residential mixed municipal solid waste stream;

(2) waste management capacity needed to process or dispose of glossy paper as waste and the costs associated with managing glossy paper as waste;

(3) the percentage of glossy paper that is being collected and marketed for recycling;

(4) how to balance the supply of and demand for glossy paper for recycling, taking into account facilities and resources necessary for both management as waste and management as a recyclable material;

(5) the market price for recyclable glossy paper in relation to collection and transportation costs; and

(6) barriers to collection and marketing of glossy paper for recycling and suggestions for overcoming those barriers while minimizing public subsidization.

Sec. 56. [VOLUME OR WEIGHT BASED FEES; POSTPONEMENT OF EFFECTIVE DATE.]

A local government unit affected by the requirement in Minnesota Statutes 1992, section 115A.9301, to implement volume or weight based fees for solid waste collection may apply to the director of the office of waste management for postponement of the date for implementation of the fees. The director may grant a postponement only if the local government unit submits with its application a plan for evaluating alternative methods for complying with the law and a schedule for implementation of the required volume or weight based fees that the director determines will result in compliance with the law not later than January 1, 1995.

Sec. 57. [BASE UNITS FOR HOMESTEADED MULTIUNIT DWELLINGS.]

Upon application by an owner of a homesteaded multiunit dwelling, a local government unit that collects charges for solid waste collection directly from waste generators shall allocate a single base unit to not more than three dwelling units. The number of base units allocated to a multiunit dwelling must be sufficient to contain the amount of waste generated by the dwelling's occupants. This section expires January 1, 1995.

Sec. 58. [METROPOLITAN LANDFILL SITING; EFFECT OF MORATORIUM AND REPEAL.]

(a) *The effects of Laws 1991, chapter 337, sections 84 and 90, paragraph (b), that were effective June 5, 1991 and August 1, 1992 respectively, include that:*

(1) *no development limitation continued under Minnesota Statutes 1982 to 1990, section 473.806, after December 31, 1992, and a claim for compensation for temporary development rights does not exist for any time period after that date;*

(2) *the metropolitan council may use the proceeds of bonds issued under Minnesota Statutes 1980 to 1990, section 473.831, to compensate property owners for temporary development rights or to purchase property under Minnesota Statutes 1984 to 1990, section 473.840, if the time period for which compensation for temporary development rights is claimed occurred prior to December 31, 1992, or if the request for purchase of the property was received prior to June 5, 1991; and*

(3) *a metropolitan county that acquired property under Minnesota Statutes 1984 to 1990, section 473.840, shall sell the property, subject to the approval of the metropolitan council.*

(b) *A county may lease or rent property that must be sold under paragraph (a), subject to approval of the metropolitan council, and may maintain property and casualty insurance on the property until ownership of the property is transferred. The county shall remit to the council any proceeds from leasing, renting, or selling property subject to this paragraph, less the reasonable expenses of the county to maintain the value of the property and to transfer ownership. The council shall use money remitted to it under this paragraph to retire solid waste debt incurred under Minnesota Statutes 1980 to 1990, section 473.831.*

Sec. 59. [PENALTIES FOR ENVIRONMENTAL VIOLATIONS; LIST.]

(a) *The attorney general shall compile a complete list of existing civil and criminal penalties for violations of laws and rules administered by the pollution control agency.*

(b) *The list must be submitted by February 1, 1994, to the senate and house of representatives committees on environment and natural resources, the senate committee on crime prevention, and the house of representatives committee on judiciary.*

Sec. 60. [USE OF STATE FUNDS TO INVESTIGATE ENVIRONMENTAL VIOLATIONS.]

The attorney general may not use state funds to investigate violations of Minnesota Statutes, chapter 115 or 116 or section 609.671 unless the attorney general has developed a written policy in consultation with the commissioner of the pollution control agency regarding how these investigations are to be conducted.

Sec. 61. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall delete the phrases "used oil" and "used motor oil" in Minnesota Statutes, sections 115A.03, subdivision 21; 115A.551,

subdivision 1; and 115A.935; and insert the phrase "motor and vehicle fluids and filters."

Sec. 62. [EFFECTIVE DATE.]

Section 2, subdivisions 1 and 2, are effective July 1, 1996. Section 16 is effective January 1, 1994, except it is effective for motor oil filters generated by households on January 1, 1995. Sections 22 and 31 are effective August 1, 1994. Section 26 is effective the day following final enactment, except subdivision 2 is effective August 1, 1993. Section 34 is effective January 1, 1997. Section 38 is effective May 20, 1971. Section 60 is effective December 31, 1993."

Delete the title and insert:

"A bill for an act relating to waste management; encouraging local government units to use purchasing techniques to reduce waste and develop markets for recycled products; prohibiting burning and burial of harmful materials on farms; defining packaging and recycling facility; prohibiting disposal of unprocessed mixed municipal solid waste; extending the time to construct certain projects with grant money; authorizing counties to count waste reduction toward 1996 recycling goals; regulating management of certain automobile waste; providing for county management and service contracts; requiring local government units to separately account for all revenue and spending related to waste management; requiring collectors of solid waste to disclose where the waste is deposited; prohibiting fluorescent and high intensity discharge lamps in solid waste; clarifying that organized waste collection is one of several tools for cities and counties to use to collect waste; requiring labeling of hazardous products; requiring reporting of tipping fee schedules at all waste facilities; requiring owners or operators of waste facilities that are publicly financed to account for charges and expenditures related to the facilities; regulating lamp recycling facilities; requiring electric utilities to encourage use of fluorescent and high intensity discharge lamps and requiring certain utilities to collect spent lamps; requiring a study of collection of such lamps; extending by one year the solid waste field citation pilot program; clarifying the effects of the repeal of the metropolitan landfill siting process; requiring an environmental enforcement policy; providing for reports; amending Minnesota Statutes 1992, sections 16B.121; 16B.122; 16B.123; 16B.24, by adding a subdivision; 17.135; 115.071, subdivision 1; 115A.03, by adding subdivisions; 115A.034; 115A.54, subdivision 2a; 115A.5501, subdivision 3; 115A.551, subdivisions 2a and 4; 115A.56; 115A.916; 115A.929; 115A.932, subdivision 1; 115A.94, subdivisions 5 and 6; 115A.941; 115A.965, subdivision 1; 115A.9651; 115A.981; 116.78, by adding a subdivision; 116.92, subdivision 7; 216B.241, by adding a subdivision; 325E.1151, subdivision 1; 325E.12; 325E.125, subdivision 1; 325E.1251; 400.04, subdivisions 3 and 4; 400.08, subdivision 3; 473.149, subdivision 6; 473.803, subdivision 3; 473.8441, subdivision 5; 473.846; and 473.848, subdivisions 2 and 3; Laws 1991, chapter 347, article 1, sections 15, subdivisions 1 and 6; and 20; Laws 1992, chapter 593, article 1, section 55; proposing coding for new law in Minnesota Statutes, chapters 115A; and 116."

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

House Conferees: (Signed) Jean Wagenius, Dennis Ozment, Tom Rukavina, Alice Hausman, Sidney Pauly

Senate Conferees: (Signed) Janet B. Johnson, Ted A. Mondale, Gene Merriam, Dan Stevens, Kevin M. Chandler

Ms. Johnson, J.B. moved that the foregoing recommendations and Conference Committee Report on H.F. No. 287 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 287 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 51 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	Flynn	Laidig	Murphy	Samuelson
Anderson	Frederickson	Langseth	Neuville	Solon
Beckman	Hanson	Lessard	Oliver	Spear
Belanger	Hottinger	Luther	Pappas	Stevens
Benson, D.D.	Janezich	Marty	Piper	Stumpf
Benson, J.E.	Johnson, D.E.	McGowan	Price	Terwilliger
Berglin	Johnson, J.B.	Merriam	Ranum	Wiener
Betzold	Kiscaden	Metzen	Reichgott	
Chandler	Knutson	Moe, R.D.	Riveness	
Chmielewski	Krentz	Mondale	Robertson	
Cohen	Kroening	Morse	Sams	

Those who voted in the negative were:

Berg	Dille	Larson	Olson	Runbeck
Bertram	Johnston	Lesewski	Pariseau	Vickerman
Day				

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 931, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 931 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1993

CONFERENCE COMMITTEE REPORT ON H.F. NO. 931

A bill for an act relating to motor fuels; increasing minimum oxygen content in certain areas at certain times; amending Minnesota Statutes 1992, section 239.791, subdivisions 1 and 2.

May 11, 1993

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 931, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 931 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 239.791, subdivision 1, is amended to read:

Subdivision 1. [MINIMUM OXYGEN CONTENT REQUIRED.] A person responsible for the product shall comply with the following requirements:

(a) After October ~~31~~ 1, ~~1992~~ 1993, gasoline sold or offered for sale in a carbon monoxide control area, and during a carbon monoxide control period, must contain at least ~~two~~ 2.7 percent oxygen by weight.

(b) After October ~~31~~ 1, 1995, gasoline sold or offered for sale at any time in a carbon monoxide control area must contain at least ~~two~~ 2.7 percent ~~by~~ oxygen by weight.

(c) After October ~~31~~ 1, 1997, all gasoline sold or offered for sale in Minnesota must contain at least ~~two~~ 2.7 percent oxygen by weight.

Sec. 2. Minnesota Statutes 1992, section 273.1399, is amended by adding a subdivision to read:

Subd. 6. [EXEMPTION; ETHANOL PROJECTS.] The provisions of this section do not apply to a tax increment financing district that satisfies all of the following requirements:

(1) The district is an economic development district, that qualifies under section 469.176, subdivision 4c, paragraph (a), clause (1).

(2) The facility is certified by the commissioner of revenue to qualify for state payments for ethanol development under section 41A.09 to the extent funds are available.

(3) Increments from the district are used only to finance the qualifying ethanol development project located in the district or to pay for administrative costs of the district.

(4) The district is located outside of the seven-county metropolitan area, as defined in section 473.121.

(5) The tax increment financing plan was approved by a resolution of the county board.

(6) The total amount of increment for the district does not exceed \$1,000,000.

Sec. 3. [REPEALER.]

Minnesota Statutes 1992, section 239.791, subdivision 2, is repealed.

Sec. 4. [EFFECTIVE DATE.]

Section 2 is effective beginning for state aid paid in 1994."

Amend the title as follows:

Page 1, line 4, delete "section" and insert "sections" and delete "subdivisions" and insert "subdivision"

Page, 1, line 5, delete "and 2" and insert "; and 273.1399, by adding a subdivision; repealing Minnesota Statutes 1992, section 239.791, subdivision 2"

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

House Conferees: (Signed) Doug Peterson, Dee Long, Ann H. Rest

Senate Conferees: (Signed) Joe Bertram, Sr., Steven Morse, Cal Larson

Mr. Bertram moved that the foregoing recommendations and Conference Committee Report on H.F. No. 931 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 931 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 61 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Merriam, Oliver and Ms. Robertson voted in the negative.

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1039, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1039 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1993

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1039

A bill for an act relating to auctioneers; prohibiting certain cities and towns from requiring additional licenses of persons licensed as auctioneers by a county; proposing coding for new law in Minnesota Statutes, chapter 330.

May 11, 1993

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 1039, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1039 be further amended as follows:

Page 1, line 14, after the period insert "*A statutory or home rule charter city or town may require an auctioneer who intends to conduct an auction in the city or town to submit proof of licensure and compliance with the bond requirements of this chapter at least 14 days before the date of the auction.*"

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

House Conferees: (Signed) Edwina Garcia, Chuck Brown, Gil Gutknecht

Senate Conferees: (Signed) Joe Bertram, Sr., LeRoy A. Stumpf, Steve Dille

Mr. Bertram moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1039 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1039 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 454, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 454 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1993

CONFERENCE COMMITTEE REPORT ON H.F. NO. 454

A bill for an act relating to economic development; requiring a summary of performance measures for business loan or grant programs from the department of trade and economic development; amending Minnesota Statutes 1992, section 116J.58, subdivision 1.

May 11, 1993

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 454, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 454 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 116J.58, subdivision 1, is amended to read:

Subdivision 1. [ENUMERATION.] The commissioner shall:

(1) investigate, study, and undertake ways and means of promoting and encouraging the prosperous development and protection of the legitimate interest and welfare of Minnesota business, industry, and commerce, within and outside the state;

(2) locate markets for manufacturers and processors and aid merchants in locating and contacting markets;

(3) investigate and study conditions affecting Minnesota business, industry, and commerce and collect and disseminate information, and engage in technical studies, scientific investigations, and statistical research and educational activities necessary or useful for the proper execution of the powers and duties of the commissioner in promoting and developing Minnesota business, industry, and commerce, both within and outside the state;

(4) plan and develop an effective business information service both for the direct assistance of business and industry of the state and for the encourage-

ment of business and industry outside the state to use economic facilities within the state;

(5) compile, collect, and develop periodically, or otherwise make available, information relating to current business conditions;

(6) conduct or encourage research designed to further new and more extensive uses of the natural and other resources of the state and designed to develop new products and industrial processes;

(7) study trends and developments in the industries of the state and analyze the reasons underlying the trends; study costs and other factors affecting successful operation of businesses within the state; and make recommendations regarding circumstances promoting or hampering business and industrial development;

(8) serve as a clearing house for business and industrial problems of the state; and advise small business enterprises regarding improved methods of accounting and bookkeeping;

(9) cooperate with interstate commissions engaged in formulating and promoting the adoption of interstate compacts and agreements helpful to business, industry, and commerce;

(10) cooperate with other state departments, and with boards, commissions, and other state agencies, in the preparation and coordination of plans and policies for the development of the state and for the use and conservation of its resources insofar as the use, conservation, and development may be appropriately directed or influenced by a state agency;

(11) assemble and coordinate information relative to the status, scope, cost, and employment possibilities and the availability of materials, equipment, and labor in connection with public works projects, state, county, and municipal; recommend limitations on the public works; gather current progress information with reference to public and private works projects of the state and its political subdivisions with reference to conditions of employment; inquire into and report to the governor, when requested by the governor, with respect to any program of public state improvements and the financing thereof; and request and obtain information from other state departments or agencies as may be needed properly to report thereon;

(12) study changes in population and current trends and prepare plans and suggest policies for the development and conservation of the resources of the state;

(13) confer and cooperate with the executive, legislative, or planning authorities of the United States and neighboring states and of the counties and municipalities of such neighboring states, for the purpose of bringing about a coordination between the development of such neighboring states, counties, and municipalities and the development of this state;

(14) generally, gather, compile, and make available statistical information relating to business, trade, commerce, industry, transportation, communication, natural resources, and other like subjects in this state, with authority to call upon other departments of the state for statistical data and results obtained by them and to arrange and compile that statistical information in a manner that seems wise;

(15) prepare an annual report to the legislature estimating, and to the extent possible, describing the number of Minnesota companies which have left the state or moved to surrounding states or other countries. The report should include an estimate of the number of jobs lost by these moves, an estimate of the total employment payroll, average hourly wage of those jobs lost and those created in the new location, and to the extent possible, the reasons for each company moving out of state, if known;

(15) (16) publish documents and annually convene regional meetings to inform businesses, local government units, assistance providers, and other interested persons of changes in state and federal law related to economic development; and

(16) (17) annually convene conferences of providers of economic development related financial and technical assistance for the purposes of exchanging information on economic development assistance, coordinating economic development activities, and formulating economic development strategies; and

(18) prepare, as part of biennial budget process with an annual interim summary for the legislature, performance measures for each business loan or grant program within the jurisdiction of the commissioner. Measures would include source of funds for each program, numbers of jobs proposed or promised at the time of application and the number of jobs created, estimated number of jobs retained, the average salary and benefits for the jobs resulting from the program, estimated number of jobs displaced, if any, and the number of projects approved.

Sec. 2. [116J.581] [COMPETITIVENESS TASK FORCE.]

Subdivision 1. [CREATION.] There is created a permanent task force on the state's economic future and competitiveness. The task force is composed of the governor (ex officio); the commissioners of the departments of jobs and training, trade and economic development, commerce, and labor and industry; the chancellor of the higher education board; the president of the largest statewide Minnesota organized labor organization as measured by the number of its members in affiliated labor organizations; the deans of the business schools at the University of Minnesota and St. Thomas University and the Hubert H. Humphrey Institute of Public Affairs; the science and technology advisor to the governor; six representatives from private sector businesses appointed by the governor, two from companies with more than 1,000 employees, two from companies with 101 to 1,000 employees, and two from companies with less than 100 employees; two members representing environmental interests; and designees of the majority leader of the senate and the minority leader of the house of representatives. The chair of the task force shall be elected by the members from the private sector members. Terms of private sector members shall be for a minimum of three years and a maximum of five years.

Subd. 2. [DUTIES.] The task force shall:

(1) monitor implementation of the state's economic blueprint, particularly as it pertains to the long-range competitiveness of Minnesota's companies, published by the department of trade and economic development in November 1992;

(2) *issue long-range policy recommendations for the state to achieve its long-range economic goals;*

(3) *hold periodic forums and symposiums involving renowned experts in areas pertaining to economic development and job creation;*

(4) *meet on call of the chair to receive reports and to provide ongoing counsel and advice to the legislature and the commissioner of trade and economic development;*

(5) *make recommendations as to modification or numeric changes in the economic blueprint to maintain its relevance and significance;*

(6) *ensure that goals, proposals, and recommendations should be quantified to the extent possible;*

(7) *utilize modern modeling tools to determine the long-range competitive impact of past, present, and proposed legislative action; and*

(8) *scrutinize all legislation that can impact the state's economic future or the competitiveness of Minnesota enterprise.*

Subd. 3. [REPORTS.] The task force shall make annual reports to the governor and legislature on or before February 1. The first report is due by February 1, 1994.

Subd. 4. [CONTINUATION OF TASK FORCE.] The task force shall not expire but shall continue until terminated by a law specifically terminating it."

Delete the title and insert:

"A bill for an act relating to economic development; requiring a summary of performance measures for business loan or grant programs from the department of trade and economic development; creating a task force on the state's economic future and competitiveness; amending Minnesota Statutes 1992, section 116J.58, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116J."

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

House Conferees: (Signed) Karen Clark, Steven Smith, Mike Jaros

Senate Conferees: (Signed) Linda Runbeck, Phil J. Riveness, Tracy L. Beckman

Ms. Runbeck moved that the foregoing recommendations and Conference Committee Report on H.F. No. 454 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 454 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1151, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1151 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1993

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1151

A bill for an act relating to employment; requiring wage payments at certain times; amending Minnesota Statutes 1992, section 181.101.

May 12, 1993

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 1151, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: (Signed) Marvin Dauner, Roger Cooper, Kevin Goodno

Senate Conferees: (Signed) Keith Langseth, LeRoy A. Stumpf, Charles A. Berg

Mr. Langseth moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1151 be now adopted, and that the bill be

repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1151 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE – CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1133, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1133 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1993

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1133

A bill for an act relating to energy; directing the public service department to evaluate and implement a policy to promote the use of motor vehicles powered by alternate fuels; appropriating money; amending Minnesota Statutes 1992, section 216C.01, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 216B; and 216C.

May 11, 1993

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 1133, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1133 be further amended as follows:

Page 3, line 10, after the period insert *"In developing the policies and the state plan, the department shall hold public hearings, at least one of which must be held outside the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."*

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

House Conferees: (Signed) Alice Hausman, Joel Jacobs, Tom Osthoff, Loren Jennings, Pamela Neary

Senate Conferees: (Signed) Janet B. Johnson, Steven G. Novak, Ellen R. Anderson, Steve Dille, Kevin M. Chandler

Ms. Johnson, J.B. moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1133 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1133 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 514.

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.

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

Sparby, Jennings and Johnson, V. have been appointed as such committee on the part of the House.

House File No. 514 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 13, 1993

Mr. Novak moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 514, 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 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. 1171: A bill for an act relating to crime; creating a commission on nonfelony enforcement to review the proportionality and enforcement of petty misdemeanor, misdemeanor, and gross misdemeanor offenses; requiring a report.

Senate File No. 1171 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1993

CONCURRENCE AND REPASSAGE

Mr. Spear moved that the Senate concur in the amendments by the House to S.F. No. 1171 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1171: A bill for an act relating to crime; creating a committee on nonfelony enforcement to review the proportionality and enforcement of petty misdemeanor, misdemeanor, and gross misdemeanor offenses; requiring a report.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 1187: A bill for an act relating to health care; clarifying the uniform anatomical gift act; retroactively defining organ donation as the rendition of a service; amending Minnesota Statutes 1992, section 525.9221.

Senate File No. 1187 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1993

CONCURRENCE AND REPASSAGE

Mr. Pogemiller moved that the Senate concur in the amendments by the House to S.F. No. 1187 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1187 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 1129: A bill for an act relating to financial institutions; regulating institutions, deposits, rates and charges, enforcement provisions; modifying the definition of insurance premium finance licensee; amending Minnesota Statutes 1992, sections 45.025, by adding a subdivision; 46.044; 46.048, subdivision 1; 46.09; 47.0156; 47.096; 47.20, subdivision 4a; 47.52; 47.54, subdivision 4; 47.55, subdivision 1; 47.56; 48.04; 48.05; 48.09; 48.194; 48.24, subdivisions 1, 7, and 8; 48.61, subdivisions 2, 3, and 4; 49.35; 49.36, subdivisions 1 and 4; 51A.02, subdivision 43; 52.04, subdivision 1, and by adding a subdivision; 52.12; 53.03, subdivision 5; 53.04, by adding a subdivision; 53.09, by adding a subdivision; 56.10; 56.131, subdivision 1; 56.155, subdivision 1; 59A.06, subdivision 3; 82B.03, subdivision 2; 300.20, subdivision 2; 300.21; 336.4-104; proposing coding for new law in Minnesota Statutes, chapter 56; repealing Minnesota Statutes 1992, sections 46.048, subdivision 2; and 48.24, subdivision 4.

Senate File No. 1129 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1993

CONCURRENCE AND REPASSAGE

Mr. Solon moved that the Senate concur in the amendments by the House to S.F. No. 1129 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1129 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS – CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 543 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 543: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited land that borders public water in Cook county; correcting the legal description of the state land to be sold in Anoka county; amending Laws 1989, chapter 150, section 6.

Mr. Johnson, D.J. moved that the amendment made to H.F. No. 543 by the Committee on Rules and Administration in the report adopted May 10, 1993, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Johnson, D.J. then moved to amend H.F. No. 543 as follows:

Page 2, line 19, delete “U.S. Highway” and insert “the southernmost boundary of marked trunk highway number”

The motion prevailed. So the amendment was adopted.

Mr. Finn moved to amend H.F. No. 543 as follows:

Page 2, after line 28, insert:

“Sec. 3. [SALE OF TAX-FORFEITED LAND; SHERBURNE COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Sherburne county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land that may be conveyed is located on Clitty Lake and is described as Lots 7 and 11, Block 1, Highland Pond.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 4. [SALE OF TAX-FORFEITED LAND; STEARNS COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Stearns county may sell tax-forfeited land bordering public water that is described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land that may be sold is located in Stearns county and is described as Lots 15 and 16, Block 1, Jody Estates Addition to Wakefield Township.

(d) The county has determined that the county's land management interests would best be served if the land is returned to private ownership.”

Page 3, line 14, after the period, insert "*Sections 3 and 4 are effective the day following final enactment.*"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Solon moved to amend H.F. No. 543 as follows:

Page 2, after line 28, insert:

"Sec. 3. [SALE OF CERTAIN LAND IN ST. LOUIS COUNTY.]

Notwithstanding any other law to the contrary, St. Louis county, on behalf of the state, shall convey by private sale the state-owned land described in this section.

The land described shall be sold by private sale to Gerald Lawson. The conveyance must be in a form approved by the attorney general for a consideration equal to the delinquent taxes, penalties, and interest remaining unpaid on the property.

The land to be sold is located in St. Louis county, and is described as lots 19, 20, and 21, block 5, of the altered plat of the London Park addition to Duluth.

The property was previously owned by Mr. Lawson, having been conveyed to him by his mother. While Mr. Lawson had entered into a repurchase agreement under Minnesota Statutes, sections 282.241 to 282.324, after the property had forfeited to the state for nonpayment of property taxes, he defaulted on a payment required under that law, and the repurchase was canceled."

Page 3, line 13, delete "3" and insert "4"

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. Merriam moved to amend H.F. No. 543 as follows:

Pages 1 and 2, delete section 1

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.

H.F. No. 543 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

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. 1259 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1259: A bill for an act relating to the city of Minneapolis; extending authority to guarantee certain loans; amending Laws 1988, chapter 594, section 6, as amended.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1182 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1182: A bill for an act relating to state lands; providing for the release of a state interest in certain property in the city of Minneapolis.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Chmielewski voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 94 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 94: A bill for an act relating to motor vehicles; exempting certain manufacturers of snowmobile trailers from being required to have a dealer's license to transport the trailers; amending Minnesota Statutes 1992, section 168.27, subdivision 22.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1260 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1260: A bill for an act relating to public employment; providing that the local government pay equity act does not limit the ability of public employees to strike; requiring the commissioner of employee relations to

consider the effects of strikes in determining whether political subdivisions are in conformity with the act; amending Minnesota Statutes 1992, sections 471.992, subdivision 1; and 471.9981, subdivision 6.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Stevens voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 504 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 504: A bill for an act relating to housing; allowing a county authority to operate certain public housing projects without a city resolution; providing that a housing and redevelopment authority may make down payment assistance loans; changing minimum amounts for certain contract letting procedures; changing requirements for general obligation revenue bonds; amending Minnesota Statutes 1992, sections 469.005, subdivision 1; 469.012, by adding a subdivision; 469.015, subdivisions 1 and 2; and 469.034, subdivision 2.

Mr. Metzen moved to amend H.F. No. 504, the unofficial engrossment, as follows:

Pages 1 to 9, delete section 1

Page 12, delete lines 33 and 34

Page 12, line 35, delete "3" and insert "2"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 11, delete "273.13, subdivision 25;"

The motion prevailed. So the amendment was adopted.

Mr. Johnson, D.J. moved to amend H.F. No. 504, the unofficial engrossment, as follows:

Page 11, after line 9, insert:

"Sec. 6. Minnesota Statutes 1992, section 469.033, subdivision 6, is amended to read:

Subd. 6. [OPERATION AREA AS TAXING DISTRICT, SPECIAL TAX.] All of the territory included within the area of operation of any authority shall constitute a taxing district for the purpose of levying and collecting special benefit taxes as provided in this subdivision. All of the taxable property, both real and personal, within that taxing district shall be deemed to be benefited by projects to the extent of the special taxes levied under this subdivision. Subject to the consent by resolution of the governing body of the city in and for which it was created, an authority may levy each year a tax upon all taxable property within that taxing district. The authority shall certify the tax to the auditor of the county in which the taxing district is located on or before five working days after December 20 in each year. The tax shall be extended, spread, and included with and as a part of the general taxes for state, county, and municipal purposes by the county auditor, to be collected and enforced therewith, together with the penalty, interest, and costs. As the tax, including any penalties, interest, and costs, is collected by the county treasurer it shall be accumulated and kept in a separate fund to be known as the "housing and redevelopment project fund." The money in the fund shall be turned over to the authority at the same time and in the same manner that the tax collections for the city are turned over to the city, and shall be expended only for the purposes of sections 469.001 to 469.047. It shall be paid out upon vouchers signed by the chair of the authority or an authorized representative. The amount of the levy shall be an amount approved by the governing body of the city, but shall not exceed 0.0131 percent of taxable market value ~~except that in cities of the first class having a population of less than 200,000, the levy shall not exceed 0.0065 percent of taxable market value.~~ The authority may levy an additional levy, not to exceed 0.0013 percent of taxable market value, to be used to defray costs of providing informational service and relocation assistance as set forth in section 469.012, subdivision 1. The authority shall each year formulate and file a budget in accordance with the budget procedure of the city in the same manner as required of executive departments of the city or, if no budgets are required to be filed, by August 1. The amount of the tax levy for the following year shall be based on that budget and shall be approved by the governing body."

Page 12, after line 31, insert:

"Sec. 8. [CITY OF DULUTH; PORT AUTHORITY LEVY.]

Notwithstanding any other law to the contrary, the St. Louis county auditor shall not include any tax levied by the city of Duluth pursuant to Minnesota Statutes, section 469.053, subdivision 4, for the benefit of the seaway port authority of Duluth as a part of the city of Duluth tax levy shown on any proposed or final tax statements."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "authorizing the Duluth housing and redevelopment authority to levy a property tax under general law;"

Page 1, line 10, after the semicolon, insert "providing for a separate statement of the levy for the seaway port authority of Duluth;"

Page 1, line 13, after the semicolon, insert "469.033, subdivision 6;"

Mr. Johnson, D.J. then moved to amend the Johnson, D.J. amendment to H.F. No. 504, as follows:

Page 2, delete lines 11 to 18

Amend the title amendment accordingly

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

The question was taken on the adoption of the Johnson, D.J. amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

H.F. No. 504 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 416 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 416: A bill for an act relating to elections; providing for a presidential primary by mail; changing the date of the presidential primary; increasing the filing fee for an affidavit of candidacy; changing certain duties and procedures; amending Minnesota Statutes 1992, sections 204B.45, subdivision 3, and by adding a subdivision; 207A.01; 207A.02, subdivision 1a; 207A.03; 207A.04, subdivision 3; 207A.06, subdivision 2; 207A.08; and 207A.09; proposing coding for new law in Minnesota Statutes, chapter 207A; repealing Minnesota Statutes 1992, section 207A.07.

Mr. Johnson, D.J. moved to amend S.F. No. 416 as follows:

Page 1, line 17, delete the first "the" and insert "a binding"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 47, as follows:

Those who voted in the affirmative were:

Beckman	Finn	Kiscaden	McGowan	Robertson
Berg	Johnson, D.E.	Laidig	Neuville	Samuelson
Bertram	Johnson, D.J.	Larson	Riveness	Vickerman
Dille				

Those who voted in the negative were:

Adkins	Frederickson	Langseth	Murphy	Runbeck
Anderson	Hanson	Lesewski	Novak	Sams
Belanger	Hottinger	Lessard	Oliver	Spear
Benson, J.E.	Janezich	Luther	Olson	Stevens
Betzold	Johnson, J.B.	Marty	Pariseau	Stumpf
Chandler	Johnston	Merriam	Piper	Terwilliger
Chmielewski	Kelly	Metzen	Pogemiller	Wiener
Cohen	Knutson	Moe, R.D.	Price	
Day	Krentz	Mondale	Ranum	
Flynn	Kroening	Morse	Reichgott	

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

S.F. No. 416 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Janezich	Kroening	Morse	Robertson
Chandler	Johnson, D.E.	Luther	Novak	Sams
Chmielewski	Johnson, D.J.	Merriam	Piper	Samuelson
Cohen	Johnson, J.B.	Metzen	Pogemiller	Solon
Flynn	Kelly	Moe, R.D.	Price	Stumpf
Hottinger	Kiscaden	Mondale	Ranum	

Those who voted in the negative were:

Adkins	Day	Laidig	Neuville	Spear
Beckman	Dille	Langseth	Oliver	Stevens
Belanger	Finn	Larson	Olson	Terwilliger
Benson, D.D.	Frederickson	Lesewski	Pappas	Vickerman
Benson, J.E.	Hanson	Lessard	Pariseau	Wiener
Berg	Johnston	Marty	Reichgott	
Bertram	Knutson	McGowan	Riveness	
Betzold	Krentz	Murphy	Runbeck	

So the bill failed to pass.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 74 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 74: A bill for an act relating to local government; authorizing the city of Minneapolis, special school district No. 1, the city library board, and the city park and recreation board to impose residency requirements.

CALL OF THE SENATE

Ms. Flynn imposed a call of the Senate for the balance of the proceedings

on H.F. No. 74. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 74 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 40 and nays 27, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Mondale	Runbeck
Beckman	Finn	Langseth	Morse	Sams
Berg	Flynn	Lesewski	Murphy	Samuelson
Berglin	Hanson	Lessard	Neuville	Solon
Bertram	Janezich	Marty	Pappas	Spear
Betzold	Johnson, D.E.	Merriam	Piper	Stumpf
Chmielewski	Johnson, D.J.	Metzen	Pogemiller	Terwilliger
Cohen	Kelly	Moe, R.D.	Ranum	Vickerman

Those who voted in the negative were:

Anderson	Frederickson	Krentz	Oliver	Robertson
Belanger	Hottinger	Laidig	Olson	Stevens
Benson, D.D.	Johnson, J.B.	Larson	Pariseau	Wiener
Benson, J.E.	Johnston	Luther	Price	
Chandler	Kiscaden	McGowan	Reichgott	
Day	Knutson	Novak	Riveness	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

S.F. No. 1046 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

May 12, 1993

The Honorable Allan H. Spear
President of the Senate

The Honorable Dee Long
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1046, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 1046 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 488A.101, is amended to read:

488A.101 [COUNTY ATTORNEY AS PROSECUTOR, NOTICE TO COUNTY.]

A municipality or other subdivision of government seeking to use the county attorney for violations enumerated in section 488A.10, subdivision 11 shall notify the county board of its intention to use the services of the county attorney at least 60 days prior to the adoption of the board's annual budget each year. *A municipality may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense on a case-by-case basis.*

Sec. 2. [609.749] [PHYSICAL INTERFERENCE WITH SAFE ACCESS TO HEALTH CARE.]

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

(a) "Facility" means any of the following:

(1) a hospital or other health institution licensed under sections 144.50 to 144.56;

(2) a medical facility as defined in section 144.561;

(3) an agency, clinic, or office operated under the direction of or under contract with the commissioner of health or a community health board, as defined in section 145A.02;

(4) a facility providing counseling regarding options for medical services or recovery from an addiction;

(5) a facility providing emergency shelter services for battered women, as defined in section 611A.31, subdivision 3, or a facility providing transitional housing for battered women and their children;

(6) a residential care home or home as defined in section 144B.01, subdivision 5;

(7) a facility as defined in section 626.556, subdivision 2, paragraph (f);

(8) a facility as defined in section 626.557, subdivision 2, paragraph (a), where the services described in that paragraph are provided;

(9) a place to or from which ambulance service, as defined in section 144.801, is provided or sought to be provided; and

(10) a hospice program licensed under section 144A.48.

(b) "Aggrieved party" means a person whose access to or egress from a facility is obstructed in violation of subdivision 2, or the facility.

Subd. 2. [OBSTRUCTING ACCESS PROHIBITED.] A person is guilty of a gross misdemeanor who intentionally and physically obstructs any individual's access to or egress from a facility.

Subd. 3. [NOT APPLICABLE.] Nothing in this section shall be construed to impair the right of any individual or group to engage in speech protected by the United States Constitution, the Minnesota Constitution, or federal or state law, including but not limited to peaceful and lawful handbilling and picketing.

Subd. 4. [CIVIL REMEDIES.] (a) A party who is aggrieved by an act prohibited by this section, or by an attempt or conspiracy to commit an act prohibited by this section, may bring an action for damages, injunctive or declaratory relief, as appropriate, in district court against any person or entity who has violated or has conspired to violate this section.

(b) A party who prevails in a civil action under this subdivision is entitled to recover from the violator damages, costs, attorney fees, and other relief as determined by the court. In addition to all other damages, the court may award to the aggrieved party a civil penalty of up to \$1,000 for each violation. If the aggrieved party is a facility and the political subdivision where the violation occurred incurred law enforcement or prosecution expenses in connection with the same violation, the court shall award any civil penalty it imposes to the political subdivision instead of to the facility.

(c) The remedies provided by this subdivision are in addition to any other legal or equitable remedies the aggrieved party may have and are not intended to diminish or substitute for those remedies or to be exclusive.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment and apply to acts committed on or after that date."

Amend the title as follows:

Page 1, line 3, delete "medical facilities" and insert "health care"

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

Senate Conferees: (Signed) Sandra L. Pappas, John C. Hottinger, Sheila M. Kiscaden

House Conferees: (Signed) Howard Orenstein, Mary Jo McGuire, Charlie Weaver

CALL OF THE SENATE

Ms. Pappas imposed a call of the Senate for the balance of the proceedings on S.F. No. 1046. The Sergeant at Arms was instructed to bring in the absent members.

Ms. Pappas moved that the foregoing recommendations and Conference Committee report on S.F. No. 1046 be now adopted, and that the bill be repassed as amended by the Conference Committee.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 42 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Laidig	Novak	Robertson
Beckman	Hottinger	Luther	Oliver	Runbeck
Belanger	Janezich	Marty	Pappas	Solon
Benson, D.D.	Johnson, D.E.	McGowan	Piper	Spear
Berglin	Johnson, D.J.	Metzen	Pogemiller	Terwilliger
Betzold	Johnson, J.B.	Moe, R.D.	Price	Wiener
Chandler	Kelly	Mondale	Ranum	
Cohen	Kiscaden	Morse	Reichgott	
Finn	Krentz	Murphy	Riveness	

Those who voted in the negative were:

Adkins	Day	Knutson	Lessard	Sams
Benson, J.E.	Dille	Kroening	Merriam	Samuelson
Berg	Frederickson	Langseth	Neuville	Stevens
Bertram	Hanson	Larson	Olson	Stumpf
Chmielewski	Johnston	Lesewski	Pariseau	Vickerman

The motion prevailed. So the recommendations and Conference Committee report were adopted.

S.F. No. 1046 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 43 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Laidig	Murphy	Riveness
Belanger	Janezich	Luther	Novak	Robertson
Benson, D.D.	Johnson, D.E.	Marty	Oliver	Runbeck
Berglin	Johnson, D.J.	McGowan	Pappas	Solon
Betzold	Johnson, J.B.	Merriam	Piper	Spear
Chandler	Kelly	Metzen	Pogemiller	Terwilliger
Cohen	Kiscaden	Moe, R.D.	Price	Wiener
Finn	Knutson	Mondale	Ranum	
Flynn	Krentz	Morse	Reichgott	

Those who voted in the negative were:

Adkins	Chmielewski	Johnston	Lessard	Samuelson
Beckman	Day	Kroening	Neuville	Stevens
Benson, J.E.	Dille	Langseth	Olson	Stumpf
Berg	Frederickson	Larson	Pariseau	Vickerman
Bertram	Hanson	Lesewski	Sams	

So the bill, as amended by the Conference Committee, was repassed 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. 869: A bill for an act relating to natural resources; providing for the prevention and suppression of wildfires; providing penalties; amending Minnesota Statutes 1992, sections 88.01, subdivisions 2, 6, 8, 15, 23, and by adding subdivisions; 88.02; 88.03; 88.04; 88.041; 88.05; 88.06; 88.065; 88.067; 88.08; 88.09, subdivision 2; 88.10; 88.11, subdivision 2; 88.12; 88.14; 88.15; 88.16; 88.17, subdivision 1, and by adding a subdivision; 88.18; and 88.22; proposing coding for new law in Minnesota Statutes,

chapter 88; repealing Minnesota Statutes 1992, sections 88.17, subdivision 2; and 88.19; and Laws 1992, chapter 556, sections 10 and 11.

Senate File No. 869 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1993

Mr. Lessard moved that the Senate do not concur in the amendments by the House to S.F. No. 869, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1205, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1205 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1993

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1205

A bill for an act relating to courts; making the housing calendar consolidation projects in the second and fourth judicial districts permanent law; providing that the law requiring that fines collected for violations of building repair orders must be used for the housing calendar consolidation projects is permanent; amending Laws 1989, chapter 328, article 2, section 17; repealing Laws 1989, chapter 328, article 2, sections 18 and 19.

May 11, 1993

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 1205, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1205 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 504.33, subdivision 3, is amended to read:

Subd. 3. [DISPLACE.] “Displace” means to demolish, acquire for or convert to a use other than low-income housing, or to provide or spend money that directly results in the demolition, acquisition, or conversion of housing to a use other than low-income housing.

"Displace" does not include providing or spending money that directly results in: (i) housing improvements made to comply with health, housing, building, fire prevention, housing maintenance, or energy codes or standards of the applicable government unit; (ii) housing improvements to make housing more accessible to a handicapped person; or (iii) the demolition, acquisition, or conversion of housing for the purpose of creating owner-occupied housing that consists of no more than four units per structure.

"Displace" does not include downsizing large apartment complexes by demolishing less than 25 percent of the units in the complex or by eliminating units through reconfiguration and expansion of individual units for the purpose of expanding the size of the remaining low-income units. For the purpose of this section, "large apartment complex" means two or more adjacent buildings containing a total of 100 or more units per complex.

Sec. 2. Minnesota Statutes 1992, section 504.33, subdivision 5, is amended to read:

Subd. 5. [LOW-INCOME HOUSING.] (a) "Low-income housing" means either:

(1) rental housing with a rent less than or equal to 30 percent of 50 percent of the median income for the county in which the rental housing is located, adjusted by size; or

(2) rental housing occupied by households with income below 30 percent of the median for the metropolitan area as defined in section 473.121, subdivision 2, adjusted by size.

(b) "Low-income housing" also includes rental housing that has been vacant for less than two years, that was low-income housing when it was last occupied, and that is not condemned as being unfit for human habitation by the applicable government unit.

Sec. 3. Minnesota Statutes 1992, section 504.33, subdivision 7, is amended to read:

Subd. 7. [REPLACEMENT HOUSING.] (a) "Replacement housing" means rental housing that is:

(1) the lesser of (i) the number and corresponding size of low-income housing units displaced, or (ii) sufficient in number and corresponding size of those low-income housing units displaced to meet the demand for those units. *Notwithstanding subclauses (i) and (ii), if the housing impact statement shows demonstrated need, displaced units may be replaced by fewer, larger units of comparable total size, except that efficiency and single room occupancy units may not be replaced by units of a larger size;*

(2) ~~low-income housing for the greater of at least 15 years or the compliance period of the federal low-income housing tax credit under United States Code, title 26, section 42(i)(1), as amended.~~ This section does not prohibit increases in rent to cover operating expenses;

(3) in at least standard condition; and

(4) located in the city where the displaced low-income housing units were located.

Replacement housing may be provided as newly constructed housing, or rehabilitated housing that was previously unoccupied or vacant and in condemnable condition or rent subsidized existing housing that does not already qualify as low-income housing.

(b) Notwithstanding the requirements in paragraph (a), public housing units which are a part of a disposition plan approved by the Department of Housing and Urban Development automatically qualify as replacement housing for public housing units which are displaced.

Sec. 4. Minnesota Statutes 1992, section 504.34, subdivision 1, is amended to read:

Subdivision 1. [ANNUAL REPORT REQUIRED.] A government unit shall prepare ~~an annual~~ a housing impact report either:

(1) for each year in which the government unit displaces ten or more units of low-income housing in a city of the first class as defined in section 410.01; or

(2) when a specific project undertaken by a government unit for longer than one year displaces a total of ten or more units of low-income housing in a city of the first class as defined in section 410.01.

Sec. 5. Minnesota Statutes 1992, section 504.34, subdivision 2, is amended to read:

Subd. 2. [DRAFT ANNUAL HOUSING IMPACT REPORT.] A government unit subject to this section must prepare a draft annual housing impact report for review and comment by interested persons. The draft report must be completed by January 31 of the year immediately following a year in which the government unit has displaced ten or more units of low-income housing in a city. *For a housing impact report required under subdivision 1, clause (2), the draft report must be completed by January 31 of the year immediately following the year in which the government unit has displaced a cumulative total of ten units of low-income housing in a city.*

Sec. 6. Laws 1989, chapter 328, article 2, section 17, is amended to read:

Sec. 17. [HOUSING CALENDAR CONSOLIDATION PILOT PROJECT PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] A ~~three-year pilot project~~ may be program is established in the second and fourth judicial districts to consolidate the hearing and determination of matters related to residential rental housing and to ensure continuity and consistency in the disposition of cases.

Subd. 2. [JURISDICTION.] The housing calendar ~~project program~~ may consolidate the hearing and determination of all proceedings under Minnesota Statutes, chapters 504 and 566; criminal and civil proceedings related to violations of any state, county or city health, safety, housing, building, fire prevention or housing maintenance code; escrow of rent proceedings; landlord-tenant damage actions; and actions for rent and rent abatement. A proceeding under sections 566.01 to 566.17 may not be delayed because of the consolidation of matters under the housing calendar ~~project program~~.

Subd. 3. [REFEREE.] The chief judge of district court may appoint a referee for the housing calendar ~~project program~~. The referee must be learned in the law. The referee must be compensated according to the same scale used

for other referees in the district court. Minnesota Statutes, section 484.70, subdivision 6, applies to the housing calendar ~~project program~~.

Subd. 4. [REFEREE DUTIES.] The duties and powers of the referee in the housing calendar ~~project program~~ are as follows:

(1) to hear and report all matters within the jurisdiction of the housing calendar ~~project program~~ and as may be directed to the referee by the chief judge; and

(2) to recommend findings of fact, conclusions of law, temporary and interim orders, and final orders for judgment.

All recommended orders and findings of the referee are subject to confirmation by a judge.

Subd. 5. [TRANSMITTAL OF COURT FILE.] Upon the conclusion of the hearing in each case, the referee ~~must~~ *shall* transmit to the district court judge, the court file together with the referee's recommended findings and orders in writing. The recommended findings and orders of the referee become the findings and orders of the court when confirmed by the district court judge. The order of the court is proof of the confirmation.

Subd. 6. [CONFIRMATION OF REFEREE ORDERS.] Review of ~~any~~ *a* recommended order or finding of the referee by a district court judge may be had by notice served and filed within ten days of effective notice of the recommended order or finding. The notice of review must specify the grounds for the review and the specific provisions of the recommended findings or orders disputed, and the district court judge, upon receipt of the notice of review, ~~must~~ *shall* set a time and place for the review hearing.

Subd. 7. [PROCEDURES.] The chief judge of the district must establish procedures for the implementation of the ~~pilot project program~~, including designation of a location for the hearings. The chief judge may also appoint other staff as necessary for the ~~project program~~.

Subd. 8. [EVALUATION.] The state court administrator may establish a procedure in consultation with the chief judge of each district, each district administrator, and an advisory group for evaluating the efficiency and the effectiveness of consolidating the hearing of residential rental housing matters, and ~~must report to the legislature by January 1, 1992~~. An advisory group, appointed by the state court administrator, may be established to provide ongoing oversight and evaluation of the housing calendar consolidation ~~project program~~. The advisory group must include representatives of the second and fourth judicial districts and must be composed of at least one representative from each of the following groups: the state court administrator's office; the district court administrator's office; the district judges; owners of rental property; and tenants.

Sec. 7. [REPEALER.]

Laws 1989, chapter 328, article 2, sections 18 and 19, are repealed.

Sec. 8. [EFFECTIVE DATE.]

Notwithstanding Laws 1989, chapter 328, article 2, section 19, or other law, sections 6 and 7 are effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to courts; making the housing calendar consolidation projects in the second and fourth judicial districts permanent law; changing certain definitions relating to housing; providing for changes in certain housing reports; amending Minnesota Statutes 1992, sections 504.33, subdivisions 3, 5, and 7; and 504.34, subdivisions 1 and 2; Laws 1989, chapter 328, article 2, section 17; repealing Laws 1989, chapter 328, article 2, sections 18 and 19."

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

House Conferees: (Signed) Karen Clark, Andy Dawkins, Tim Pawlenty

Senate Conferees: (Signed) Randy C. Kelly, Richard J. Cohen, Sandra L. Pappas

Mr. Kelly moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1205 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1205 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce 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. 53: A bill for an act relating to labor; regulating employment of children; establishing a child labor curfew; providing penalties; amending Minnesota Statutes 1992, sections 181A.04, by adding a subdivision; and 181A.12, subdivision 1.

Senate File No. 53 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1993

CONCURRENCE AND REPASSAGE

Mr. Price moved that the Senate concur in the amendments by the House to S.F. No. 53 and that the bill be placed on its repassage as amended.

CALL OF THE SENATE

Ms. Kiscaden imposed a call of the Senate for the balance of the proceedings on S.F. No. 53. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the motion of Mr. Price.

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

Those who voted in the affirmative were:

Anderson	Hanson	Laidig	Murphy	Riveness
Beckman	Hottinger	Larson	Novak	Sams
Belanger	Johnson, D.J.	Luther	Pappas	Samuelson
Betzold	Johnson, J.B.	Marty	Piper	Spear
Chandler	Kelly	Merriam	Price	Stevens
Cohen	Krentz	Metzen	Ranum	Stumpf
Flynn	Kroening	Mondale	Reichgott	Wiener

Those who voted in the negative were:

Adkins	Dille	Knutson	Neuville	Solon
Benson, D.D.	Finn	Langseth	Oliver	Terwilliger
Benson, J.E.	Frederickson	Lesewski	Olson	Vickerman
Berg	Janezich	Lessard	Pariseau	
Bertram	Johnson, D.E.	McGowan	Pogemiller	
Chmielewski	Johnston	Moe, R.D.	Robertson	
Day	Kiscaden	Morse	Runbeck	

The motion prevailed.

S.F. No. 53: A bill for an act relating to labor; regulating employment of children; establishing a child labor curfew; providing penalties; amending Minnesota Statutes 1992, sections 181A.04, by adding a subdivision; and 181A.12,

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 36 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Pappas	Spear
Beckman	Janezich	Luther	Piper	Stevens
Belanger	Johnson, D.J.	Marty	Price	Stumpf
Betzold	Johnson, J.B.	Merriam	Ranum	Wiener
Chandler	Kelly	Metzen	Reichgott	
Cohen	Krentz	Mondale	Riveness	
Flynn	Kroening	Murphy	Sams	
Hanson	Laidig	Novak	Samuelson	

Those who voted in the negative were:

Adkins	Day	Kiscaden	Moe, R.D.	Pogemiller
Benson, D.D.	Dille	Knutson	Morse	Robertson
Benson, J.E.	Finn	Langseth	Neuville	Runbeck
Berg	Frederickson	Lesewski	Oliver	Solon
Bertram	Johnson, D.E.	Lessard	Olson	Terwilliger
Chmielewski	Johnston	McGowan	Pariseau	Vickerman

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

MOTIONS AND RESOLUTIONS – CONTINUED

S.F. No. 653 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

May 13, 1993

The Honorable Allan H. Spear
President of the Senate

The Honorable Dee Long
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 653, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 653 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 164.08, subdivision 2, is amended to read:

Subd. 2. [MANDATORY ESTABLISHMENT; CONDITIONS.] Upon petition presented to the town board by the owner of a tract of land containing at least five acres, who has no access thereto except over the lands of others, or whose access thereto is less than two rods in width, the town board by resolution shall establish a cartway at least two rods wide connecting the petitioner's land with a public road. *The town board may select an alternative route other than that petitioned for if the alternative is deemed by the town board to be less disruptive and damaging to the affected landowners and in the public's best interest.* In an unorganized territory, the board of county commissioners of the county in which the tract is located shall act as the town board. The proceedings of the town board shall be in accordance with section 164.07. The amount of damages shall be paid by the petitioner to the town before such cartway is opened. For the purposes of this subdivision damages shall mean the compensation, if any, awarded to the owner of the land upon which the cartway is established together with the cost of professional and other services which the town may incur in connection with the proceedings for the establishment of the cartway. The town board may by resolution require the petitioner to post a bond or other security acceptable to the board for the total estimated damages before the board takes action on the petition.

Town road and bridge funds shall not be expended on the cartway unless the town board, or the county board acting as the town board in the case of a cartway established in an unorganized territory, by resolution determines that an expenditure is in the public interest. If no resolution is adopted to that effect, the grading or other construction work and the maintenance of the cartway is the responsibility of the petitioner, subject to the provisions of

section 164.10. After the cartway has been constructed the town board, or the county board in the case of unorganized territory, may by resolution designate the cartway as a private driveway with the written consent of the affected landowner in which case from the effective date of the resolution no town road and bridge funds shall be expended for maintenance of the driveway; provided that the cartway shall not be vacated without following the vacation proceedings established under section 164.07.

Sec. 2. [ESTABLISHMENT OF AN OFFICE OF DEPUTY REGISTRAR OF MOTOR VEHICLES IN DEER RIVER.]

Notwithstanding Minnesota Statutes, section 168.33, and rules adopted by the commissioner of public safety, limiting sites for the office of deputy registrar, the Itasca county auditor may, with the approval of the commissioner of public safety, establish an office of the deputy registrar of motor vehicles in the city of Deer River. All other provisions regarding the appointment and operation of a deputy registrar office under Minnesota Statutes, section 168.33, and Minnesota Rules, chapter 7406, shall apply to the office.

Sec. 3. [EFFECTIVE DATE.]

Section 2 shall become effective the day following final enactment without local approval as provided in Minnesota Statutes, section 645.023, subdivision 1, paragraph (a)."

Delete the title and insert:

"A bill for an act relating to local government; providing conditions for the establishment of town roads; providing for a deputy registrar of motor vehicles; amending Minnesota Statutes 1992, section 164.08, subdivision 2."

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

Senate Conferees: (Signed) Bob Lessard, Steve Dille

House Conferees: (Signed) Irv Anderson, Loren A. Solberg, Kevin Goodno

Mr. Lessard moved that the foregoing recommendations and Conference Committee Report on S.F. No. 653 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Mr. Marty moved that the recommendations and Conference Committee Report on S.F. No. 653 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration.

The question was taken on the adoption of the motion of Mr. Marty.

The roll was called, and there were yeas 36 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Day	Krentz	Moe, R.D.	Riveness
Belanger	Frederickson	Laidig	Morse	Runbeck
Benson, D.D.	Hottinger	Larson	Murphy	Spear
Benson, J.E.	Johnson, D.E.	Lesewski	Neuville	Wiener
Berg	Johnson, J.B.	Luther	Oliver	
Berglin	Johnston	Marty	Olson	
Betzold	Kiscaden	McGowan	Pariseau	
Cohen	Knutson	Merriam	Piper	

Those who voted in the negative were:

Adkins
Beckman
Bertram
Chandler
Chmielewski
Dille

Finn
Hanson
Janezich
Johnson, D.J.
Kroening
Langseth

Lessard
Metzen
Mondale
Novak
Pogemiller
Reichgott

Robertson
Sams
Samuelson
Solon
Stevens
Stumpf

Terwilliger
Vickerman

The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1325 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1325: A bill for an act relating to housing; modifying the definition of dwelling for smoke detection devices; amending Minnesota Statutes 1992, section 299F.362, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins
Anderson
Beckman
Belanger
Benson, D.D.
Benson, J.E.
Berg
Berglin
Bertram
Betzold
Chandler
Chmielewski
Cohen

Day
Dille
Finn
Frederickson
Hanson
Janezich
Johnson, D.E.
Johnson, D.J.
Johnson, J.B.
Kelly
Kiscaden
Knutson
Krentz

Kroening
Laidig
Langseth
Larson
Lesevski
Lessard
Luther
Marty
Merriam
Metzen
Moe, R.D.
Mondale
Morse

Murphy
Neuville
Novak
Oliver
Olson
Pappas
Pariseau
Piper
Pogemiller
Price
Reichgott
Riveness
Robertson

Runbeck
Sams
Samuelson
Spear
Stevens
Stumpf
Terwilliger
Vickerman
Wiener

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 176 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 176: A bill for an act relating to insurance; workers' compensation; regulating distributions of excess surplus made by the workers' compensation reinsurance association; clarifying the law regulating distributions of excess surplus; amending Minnesota Statutes 1992, section 79.34, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 79.

Mr. Moe, R.D. moved to amend S.F. No. 176 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [LEGISLATIVE FINDINGS.]

The intent and public purpose of the legislature in creating the workers'

compensation reinsurance association was to benefit employers by lowering their costs for mandated workers' compensation insurance through a low cost, compulsory, nonprofit reinsurance mechanism. In 1992 the reinsurance association declared and distributed a \$100,000,000 excess surplus to insurers and self-insured employers. That excess surplus was not refunded to employer policyholders, whom the legislature intended to benefit when it created the reinsurance association. An orderly process with state assistance is required to ensure that employer policyholders receive their intended rightful share of the original \$100,000,000 excess surplus and a second \$302,000,000 excess surplus declared in March 1993, that is being held by the reinsurance association. An orderly process requires balancing fairness to employers with administrative feasibility. Sections 1 to 11 are the legislature's determination of that proper balance. The public purpose for creating the nonprofit reinsurance association requires that this surplus be refunded to Minnesota employers, who are the ultimate payors of the premiums that helped create this excess surplus.

Sec. 2. [1992 WORKERS' COMPENSATION REINSURANCE ASSOCIATION EXCESS SURPLUS DISTRIBUTION.]

Subdivision 1. [SCOPE.] This section governs any distribution of excess surplus made by the workers' compensation reinsurance association in 1992 other than distributions to self-insured members of the association. No distribution of that excess surplus other than that provided by this section may be made. For the purpose of this section, a distribution is made upon the actual distribution of excess surplus from the association. For the purpose of this section, "policyholder" means a workers' compensation insurance policyholder in 1992.

Subd. 2. [STATE FUND MUTUAL INSURANCE COMPANY.] Any distribution of excess surplus of the workers' compensation reinsurance association received by the state fund mutual insurance company in 1992 must be refunded to policyholders. Each policyholder shall receive a share of the state fund mutual's distribution equal to the policyholder's proportionate share of the state fund mutual's 1992 earned Minnesota workers' compensation insurance premium, as reported in its annual statement for 1992 to the commissioner of commerce.

In no case shall the refund exceed the policyholder's earned premium for 1992. If any portion of the distribution remains after the refund required under this subdivision has been made, a further refund based upon 1991 earned premiums, or such additional years' earned premiums as necessary to fully refund the distribution, shall be made by applying the method of calculation set forth in this subdivision.

Subd. 3. [ASSIGNED RISK PLAN.] Any distribution of excess surplus of the workers' compensation reinsurance association in 1992 received by the assigned risk plan must be returned to policyholders. Each policyholder shall receive a share of the distribution equal to the policyholder's proportionate share of the assigned risk plan's 1992 earned Minnesota workers' compensation premium as reported in its annual statement for 1992 to the commissioner of commerce.

In no case shall the refund exceed the policyholder's earned premium for 1992. If any portion of the distribution remains after the refund required under this subdivision has been made, a further refund based upon 1991 earned premiums, or such additional years' earned premiums as necessary to

fully refund the distribution, shall be made by applying the method of calculation set forth in this subdivision.

Subd. 4. [INSURED EMPLOYERS.] Any distribution of excess surplus of the workers' compensation reinsurance association in 1992 received by insurers and not governed by subdivisions 2 and 3 must be returned to policyholders. Each policyholder shall receive a share of the distribution equal to the policyholder's proportionate share of its company's 1992 earned Minnesota workers' compensation premium, as reported in its annual statement for 1992 to the commissioner of commerce.

In no case shall the refund exceed the policyholder's earned premium for 1992. If any portion of the distribution remains after the refund required under this subdivision has been made, a further refund based upon 1991 earned premiums, or such additional years' earned premiums as necessary to fully refund the distribution, shall be made by applying the method of calculation set forth in this subdivision.

Subd. 5. [DISTRIBUTION DEADLINE.] Except as provided in subdivision 6, an insurer shall refund its portion of the 1992 workers' compensation reinsurance association surplus distribution to its policyholders according to this section within 60 days of the effective date of this act.

Subd. 6. [UNCLAIMED REFUNDS.] Any part of the refund not distributed within one year after it is required to be distributed under subdivision 5 due to the inability to identify or locate policyholders shall be returned to the workers' compensation reinsurance association.

Subd. 7. [COSTS.] The state fund mutual insurance company, the assigned risk plan, and any insurer member of the reinsurance association may retain the lesser of five percent of the amount it refunds to policyholders or actual costs as administrative costs of complying with this section apportioned as an equal percentage of each refund.

Sec. 3. Minnesota Statutes 1992, section 45.027, subdivision 1, is amended to read:

Subdivision 1. [GENERAL POWERS.] In connection with the administration of chapters 45 to 83, 309, and 332, and sections 2 and 326.83 to 326.98, the commissioner of commerce may:

(1) make public or private investigations within or without this state as the commissioner considers necessary to determine whether any person has violated or is about to violate chapters 45 to 83, 309, and 332, sections 326.83 to 326.98, or any rule adopted or order issued under those chapters, or to aid in the enforcement of chapters 45 to 83, 309, and 332, sections 326.83 to 326.98, or in the prescribing of rules or forms under those chapters;

(2) require or permit any person to file a statement in writing, under oath or otherwise as the commissioner determines, as to all the facts and circumstances concerning the matter being investigated;

(3) hold hearings, upon reasonable notice, in respect to any matter arising out of the administration of chapters 45 to 83, 309, and 332, and sections 326.83 to 326.98;

(4) conduct investigations and hold hearings for the purpose of compiling information with a view to recommending changes in chapters 45 to 83, 309, and 332, and sections 326.83 to 326.98, to the legislature;

(5) examine the books, accounts, records, and files of every licensee under chapters 45 to 83, 309, and 332, and sections 326.83 to 326.98, and of every person who is engaged in any activity regulated under chapters 45 to 83, 309, and 332, and sections 326.83 to 326.98; the commissioner or a designated representative shall have free access during normal business hours to the offices and places of business of the person, and to all books, accounts, papers, records, files, safes, and vaults maintained in the place of business;

(6) publish information which is contained in any order issued by the commissioner; and

(7) require any person subject to chapters 45 to 83, 309, and 332, and sections 326.83 to 326.98, to report all sales or transactions that are regulated under chapters 45 to 83, 309, and 332, and sections 326.83 to 326.98. The reports must be made within ten days after the commissioner has ordered the report. The report is accessible only to the respondent and other governmental agencies unless otherwise ordered by a court of competent jurisdiction.

Sec. 4. [79.361] [POST 1992 DISTRIBUTION OF WORKERS' COMPENSATION REINSURANCE ASSOCIATION SURPLUS.]

Subdivision 1. [SCOPE.] This section governs the distribution of excess surplus of the workers' compensation reinsurance association declared after January 1, 1993. A distribution of excess surplus is declared on the date the board votes to make a distribution. No distribution of excess surplus other than that provided by this section may be made.

Subd. 2. [SELF-INSURED.] A self-insurer shall receive a distribution of excess surplus in an amount equal to the self-insurer's share of the premiums paid to the workers' compensation reinsurance association for the period and for each retention layer for which the distribution is made.

Subd. 3. [INSURED EMPLOYERS.] A policyholder, other than a policyholder insured by the assigned risk plan or the state fund mutual insurance company, shall receive a refund of a share of the distribution equal to the policyholder's share of the annual total earned Minnesota workers' compensation insurance premium, as reported to the commissioner of commerce in the most recent annual statements of insurers, including the assigned risk plan and the state fund mutual insurance company.

Subd. 4. [ASSIGNED RISK PLAN.] A policyholder of the assigned risk plan shall receive a refund of a share of the distribution equal to the policyholder's share of the annual total earned Minnesota workers' compensation insurance premium, as reported to the commissioner of commerce in the most recent annual statements of insurers, including the assigned risk plan and the state fund mutual insurance company.

Subd. 5. [STATE FUND MUTUAL INSURANCE COMPANY.] A policyholder of the state fund mutual insurance company shall receive a refund of a share of the distribution equal to the policyholder's share of the annual total earned Minnesota workers' compensation insurance premium, as reported to the commissioner of commerce in the most recent annual statements of insurers, including the assigned risk plan and the state fund mutual insurance company.

Subd. 6. [DISTRIBUTION DEFINED.] For the purpose of subdivisions 3 to 5, "distribution" means a distribution described in subdivision 1 minus a distribution to self-insurers under subdivision 2.

Subd. 7. [POLICYHOLDER.] For the purpose of this section "policyholder" means a workers' compensation insurance policyholder in the calendar year preceding a declaration of excess surplus by the board of the reinsurance association.

Subd. 8. [INFORMATION REQUIRED.] Insurers and the workers' compensation insurers rating association of Minnesota must provide the workers' compensation reinsurance association with information necessary to administer and calculate the refunds to policyholders governed by this section within 60 days of a request by the association. For the purpose of this subdivision, "insurer" includes the assigned risk plan.

Subd. 9. [REFUND DUE DATE.] Policyholders must receive the refund within 60 days of the day the reinsurance association receives the information required to be provided by subdivision 8.

Subd. 10. [UNCLAIMED REFUND.] Any part of the refund not distributed within one year after the due date of a refund under this section due to the inability to identify or locate policyholders remains with the workers' compensation reinsurance association.

Subd. 11. [COSTS OF DISTRIBUTION.] The reinsurance association may pay the actual and reasonable costs of the refunds made under this section from earnings on a declared excess surplus prior to its distribution.

Sec. 5. Minnesota Statutes 1992, section 79.34, is amended by adding a subdivision to read:

Subd. 2a. [DEFICIENCY.] If the board determines that a distribution of excess surplus resulted in inadequate funds being available to pay claims that arose during the period upon which that distribution was calculated, the board shall determine the amount of the deficiency. The deficiency shall be made up by imposing an assessment rate against self-insured members and policyholders of insurer members. The board shall notify the commissioner of commerce of the amount of the deficiency and recommend an assessment rate. The commissioner shall order an assessment at a rate and for the time period necessary to eliminate the deficiency. The assessment rate shall be applied to the exposure base of self-insured employers and insured employers. The assessment may not be retroactive and applies only prospectively. The assessment may be spread over a period of time that will cause the least financial hardship to employers. All assessments under this subdivision are payable to the association. The commissioner may issue orders necessary to administer this section. The orders are not rules subject to chapter 14.

Sec. 6. [79.362] [WORKERS' COMPENSATION REINSURANCE ASSOCIATION EXCESS SURPLUS DISTRIBUTION.]

An order of the commissioner of the department of labor and industry relating to the distribution of excess surplus of the workers' compensation reinsurance association shall be reviewed by the commissioner of commerce. The commissioner of commerce may amend, approve, or reject an order or issue further orders to accomplish the purposes of sections 2 and 4. The commissioner may not change the amount of the distribution ordered by the commissioner of labor and industry without agreement of the commissioner of labor and industry. An order of the commissioner of commerce under this section is not subject to chapter 14.

Sec. 7. [RESOLUTIONS AND ORDER NULLIFIED.]

Any resolution or plan of operation of the workers' compensation reinsurance association or order of the commissioner of labor and industry that purports to grant any claim to excess surplus to insurer members of the association that conflicts with sections 1 to 11 is nullified to the extent of the conflict.

Sec. 8. [79.363] [DISTRIBUTION OF EXCESS SURPLUS.]

The distribution of excess surplus of the workers' compensation reinsurance association is not a distribution of excess premiums to members. Any excess surplus not refunded according to section 2 must be returned to the association and must not be distributed to its members. Any excess surplus not distributed or refunded according to section 4 must be retained by the association and must not be distributed to members.

Sec. 9. [DISTRIBUTION EARNINGS.]

For the purpose of section 2, the refund to policyholders of excess surplus shall include any earnings on a distribution of excess surplus while the distribution was in the possession of an insurer.

Sec. 10. [COSTS OF LITIGATION.]

The workers' compensation reinsurance association shall reimburse the state for any and all costs, disbursements, and attorney fees in any way incurred by the state as part of or resulting from any litigation, including administrative or civil actions, involving the enforcement or validity of sections 1 to 11.

Sec. 11. [ORIGINAL JURISDICTION.]

The Minnesota supreme court has original jurisdiction over any action challenging the constitutionality or validity of this act and shall expedite the resolution of the action.

Sec. 12. [EFFECTIVE DATE.]

This act is effective the day following final enactment and applies retroactively to August 1, 1992."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Terwilliger moved to amend the Moe, R.D. amendment to S.F. No. 176, adopted by the Senate May 14, 1993, as follows:

Page 8, after line 18, insert:

"Sec. 12. [ASSUMPTION OF WORKERS' COMPENSATION REINSURANCE ASSOCIATION DUTIES AND OBLIGATIONS.]

Subdivision 1. [DUTIES.] The state of Minnesota shall assume all rights, duties, assets, and obligations of the workers' compensation reinsurance association regarding obligations and losses assumed pursuant to Minnesota Statutes, section 79.34, as of the effective date of this section. The rights, duties, assets, and obligations assumed by the state of Minnesota shall be administered by the commissioner of labor and industry. The assets shall be placed in a special account to be named the reinsurance account in the general fund and together with the earnings from these assets are appropriated annually for the payment of the liabilities assumed. The commissioner of

labor and industry shall administer the payment of these liabilities. The commissioner of labor and industry shall biennially report to the legislature as to the assets in the reinsurance account and the projected liabilities. The costs of administering the payment of the liabilities shall be reimbursed from the reinsurance account.

Subd. 2. [IN GENERAL.] The department of labor and industry is a continuation of the workers' compensation reinsurance association and has all the rights and powers of the workers' compensation reinsurance association as to those matters within the jurisdiction of the workers' compensation reinsurance association that are transferred to the department.

Subd. 3. [COURT ACTIONS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of a transfer of responsibilities may be conducted and completed by the department of labor and industry in the same manner and under the terms and conditions, and with the same effect, as though it involved or was commenced and conducted or completed by the workers' compensation reinsurance association prior to the transfer.

Subd. 4. [CONTRACTS; RECORDS.] The workers' compensation reinsurance association shall give all contracts, books, maps, plans, papers, records, and property of every description relating to the transferred responsibilities and within its jurisdiction or control to the department of labor and industry which shall accept the material presented. The transfer shall be made in accordance with the directions of the department of labor and industry.

Subd. 5. [OBLIGATIONS.] The department of labor and industry is the legal successor in all respects to the responsibilities of the workers' compensation reinsurance association that are transferred. The bonds, resolutions, contracts, and liabilities of the workers' compensation reinsurance association become as to the responsibilities transferred the bonds, resolutions, contracts, and liabilities of the department of labor and industry.

Subd. 6. [CONTRACT WITH WORKERS' COMPENSATION REINSURANCE ASSOCIATION.] The department of labor and industry may contract with the workers' compensation reinsurance association to perform any of the transferred duties, obligations, and responsibilities.

Sec. 13. [REFUND DISTRIBUTION.]

The commissioner of commerce shall distribute any reserves of the workers' compensation reinsurance association, which are transferred to the state of Minnesota pursuant to section 12, that have been determined to be excess prior to the effective date of the section in the manner set forth in section 4 as soon as possible after the effective date of section 12.

Sec. 14. [EFFECT ON THE WORKERS' COMPENSATION REINSURANCE ASSOCIATION.]

Except as to the transfer of the rights, duties, assets, and obligations assumed by the state of Minnesota pursuant to sections 12 and 13, the workers' compensation reinsurance association shall not be affected by the provisions of sections 12 and 13."

Page 8, line 20, delete "This act is" and insert "Sections 1 to 11 are"

Page 8, after line 21, insert:

"Sections 12 to 14 are effective August 1, 1994, if on that date the distribution of the excess surplus to employers pursuant to sections 4 to 11, and relevant rules and orders, has not been completed (1) because sections 4 to 11 or rules or orders issued pursuant to those sections have been held unconstitutional, or (2) because the distribution has been delayed by legal action challenging sections 4 to 11 or the orders requiring the distribution to employers. If the distributions have been made to employers in accordance with sections 4 to 11 and relevant orders have been made, this section is void and sections 12 to 14 have no effect."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the balance of the proceedings on S.F. No. 176. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Hottinger moved to amend the Moe, R.D. amendment to S.F. No. 176, adopted by the Senate May 14, 1993, as follows:

Page 1, after line 2, insert:

"ARTICLE 1"

Page 8, after line 21, insert:

"ARTICLE 2

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

79.50 [PURPOSES.]

The purposes of chapter 79 are to:

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

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

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

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

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

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

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

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

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

79.51 [RULES.]

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

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

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

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

(2) experience rating plans;

(3) retrospective rating plans;

(4) general expenses and related expense provisions;

(5) minimum premiums;

(6) classification systems and assignment of risks to classifications;

(7) loss development and trend factors;

(8) the workers' compensation reinsurance association;

(9) requiring substantial compliance with the rules mandated by this section as a condition of workers' compensation carrier licensure;

(10) imposing limitations on the functions of workers' compensation data service organizations consistent with the introduction of competition;

(11) the rules contained in the workers' compensation rating manual adopted by ~~the workers' compensation insurers rating association licensed data service organizations; and~~

(12) *the supporting data and information required in filings under section 79.56, including but not limited to, the experience of the filing insurer and the extent to which the filing insurer relies upon data service organization loss information, descriptions of the actuarial and statistical methods employed in setting rates, and the filing insurers interpretation of any statistical data relied upon; and*

(13) any other factors that the commissioner deems relevant to achieve the purposes of this chapter.

(b) The rules shall provide for the following:

(1) ~~competition in workers' compensation insurance rates in such a way that the advantages of competition are introduced with a minimum of employer hardship;~~

(2) adequate safeguards against excessive or discriminatory rates in workers' compensation;

(3) (2) encouragement of workers' compensation insurance rates which are as low as reasonably necessary, but shall make provision against inadequate rates, insolvencies and unpaid benefits;

(4) (3) assurances that employers are not unfairly relegated to the assigned risk pool;

(5) (4) requiring all appropriate data and other information from insurers for the purpose of issuing rules, making legislative recommendations pursuant to this section and monitoring the effectiveness of competition; and

(6) (5) preserving a framework for risk classification, data collection, and other appropriate joint insurer services where these will not impede the introduction of competition in premium rates.

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

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

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

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

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

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

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

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

Subd. 6. [RATING FACTORS.] *In determining whether a rate filing complies with this section, separate consideration shall be given to: (i) past and prospective loss experience within this state and outside this state to the*

extent necessary to develop credible rates; (ii) dividends, savings, or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers; and (iii) a reasonable allowance for expense and profit. An allowance for expense shall be presumed reasonable if it reflects expenses that are 22.5 percent greater or less than the average expense for all insurers writing workers' compensation insurance in this state. An allowance for after-tax profit shall consider anticipated investment income from premium receipts net of disbursements and from allocated surplus, based on the current five-year United States Treasury note yield and an assumed premium to surplus ratio of 2.25 to one. The allowance for after-tax profit shall be presumed reasonable if the corresponding return on equity target is equal to or less than the sum of: (i) the current yield on five-year United States Treasury securities; and (ii) an appropriate equity risk premium that reflects the risks of writing workers' compensation insurance. The risk premium shall not be less than the average, since 1926, of the differences in return between: (i) the annual return, including dividend income, for the Standards and Poors 500 common stock index or predecessor index for each year; and (ii) the five-year United States Treasury note yield as of the start of the corresponding year. Profit and expense allowances not presumed reasonable under this subdivision, are reasonable if the circumstances of an insurer, the market, or other factors justify them.

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

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

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

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

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

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

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

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

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

Subd. 3. [CONSULTANTS AND COSTS.] *The commissioner may retain consultants, including a consulting actuary or other experts, that the commissioner determines necessary for purposes of this chapter. The salary limit set by section 43A.17 does not apply to a consulting actuary retained under this subdivision. A consulting actuary shall be a fellow in the casualty actuarial society and shall have demonstrated experience in workers' compensation insurance ratemaking. Any individual not so qualified shall not*

render an opinion or testify on actuarial aspects of a filing, including but not limited to, data quality, loss development, and trending. The costs incurred in retaining any consulting actuaries and experts shall be reimbursed by the special compensation fund.

Sec. 12. [APPROPRIATION.]

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

Sec. 13. [EFFECTIVE DATE; TRANSITION.]

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

Sec. 14. [REPEALER.]

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

ARTICLE 3

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

Subd. 3. [COMPENSATION, COMMENCEMENT OF PAYMENT.] All employers shall commence payment of compensation at the time and in the manner prescribed by this chapter without the necessity of any agreement or any order of the division. Except for medical, burial, and other nonperiodic benefits, payments shall be made as nearly as possible at the intervals when the wage was payable, provided, however, that payments for permanent partial disability shall be governed by section 176.101. If doubt exists as to the eventual permanent partial disability, payment for the economic recovery compensation or impairment compensation, whichever is due, pursuant to section 176.101, shall be then made when due for the minimum permanent partial disability ascertainable, and further payment shall be made upon any later ascertainment of greater permanent partial disability. Prior to or at the time of commencement of the payment of economic recovery compensation or ~~lump sum or periodic payment~~ of impairment compensation, the employee and employer shall be furnished with a copy of the medical report upon which the payment is based and all other medical reports which the insurer has that indicate a permanent partial disability rating, together with a statement by the insurer as to whether the tendered payment is for minimum permanent partial disability or final and eventual disability. After receipt of all reports available to the insurer that indicate a permanent partial disability rating, the employee shall make available or permit the insurer to obtain any medical report that the employee has or has knowledge of that contains a permanent partial disability rating which the insurer does not already have. Economic recovery compensation or impairment compensation pursuant to section 176.101 is payable in addition to but not concurrently with compensation for temporary total disability but is payable pursuant to section 176.101. Impairment compensation is payable concurrently and in addition to compensation for permanent total disability pursuant to section 176.101. Economic recovery compensation

or impairment compensation pursuant to section 176.101 shall be withheld pending completion of payment for temporary total disability, and no credit shall be taken for payment of economic recovery compensation or impairment compensation against liability for temporary total or future permanent total disability. Liability on the part of an employer or the insurer for disability of a temporary total, temporary partial, and permanent total nature shall be considered as a continuing product and part of the employee's inability to earn or reduction in earning capacity due to injury or occupational disease and compensation is payable accordingly, subject to section 176.101. Economic recovery compensation or impairment compensation is payable for functional loss of use or impairment of function, permanent in nature, and payment therefore shall be separate, distinct, and in addition to payment for any other compensation, subject to section 176.101. The right to receive temporary total, temporary partial, or permanent total disability payments vests in the injured employee or the employee's dependents under this chapter or, if none, in the employee's legal heirs at the time the disability can be ascertained and the right is not abrogated by the employee's death prior to the making of the payment.

The right to receive economic recovery compensation or impairment compensation vests in an injured employee at the time the disability can be ascertained provided that the employee lives for at least 30 days beyond the date of the injury. Upon the death of an employee who is receiving economic recovery compensation or impairment compensation, further compensation is payable pursuant to section 176.101. Impairment compensation is payable under this paragraph if vesting has occurred, the employee dies prior to reaching maximum medical improvement, and the requirements and conditions under section 176.101, subdivision 3e, are not met.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 3l. [FAILURE TO ACCEPT JOB OFFER.] If the employee has been offered a job under subdivision 3e and has refused the offer, the impairment

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 4. [PERMANENT TOTAL DISABILITY.] For permanent total disability, as defined in subdivision 5, the compensation shall be 66-2/3 percent of the daily wage at the time of the injury, subject to a maximum weekly compensation equal to the maximum weekly compensation for a temporary total disability and a minimum weekly compensation equal to the minimum weekly compensation for a temporary total disability 65 percent of the statewide average weekly wage. This compensation shall be paid during the permanent total disability of the injured employee but after a total of \$25,000 of weekly compensation has been paid, the amount of the weekly compensation benefits being paid by the employer shall be reduced by the amount of any disability benefits being paid by any government disability benefit program if the disability benefits are occasioned by the same injury or injuries which give rise to payments under this subdivision. This reduction shall also apply to any old age and survivor insurance benefits. Payments shall be made at the intervals when the wage was payable, as nearly as may be. In case an employee who is permanently and totally disabled becomes an inmate of a public institution, no compensation shall be payable during the period of confinement in the institution, unless there is wholly dependent on the employee for support some person named in section 176.111, subdivision 1, 2 or 3, in which case the compensation provided for in section 176.111, during the period of confinement, shall be paid for the benefit of the dependent person during dependency. The dependency of this person shall be determined as though the employee were deceased.

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

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

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

(2) any other injury that results in a disability rating under this chapter of at least 15 percent of the whole body which totally and permanently

incapacitates the employee from working at an occupation which brings the employee an income.

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

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

Subdivision 1. [AMOUNT.] For injuries occurring after October 1, 1975 for which benefits are payable under section 176.101, subdivisions 1, 2 and 4, and section 176.111, subdivision 5, the total benefits due the employee or any dependents shall be adjusted in accordance with this section. On October 1, 1981, and thereafter on the anniversary of the date of the employee's injury the total benefits due shall be adjusted by multiplying the total benefits due prior to each adjustment by a fraction, the denominator of which is the statewide average weekly wage for December 31, of the year two years previous to the adjustment and the numerator of which is the statewide average weekly wage for December 31, of the year previous to the adjustment. For injuries occurring after October 1, 1975, all adjustments provided for in this section shall be included in computing any benefit due under this section. Any limitations of amounts due for daily or weekly compensation under this chapter shall not apply to adjustments made under this section. No adjustment increase made on or after October 1, 1977, but prior to October 1, 1992, under this section shall exceed six percent a year; in those instances where the adjustment under the formula of this section would exceed this maximum, the increase shall be deemed to be six percent. *For injuries occurring on or after October 1, 1992, no adjustment increase made on or after October 1, 1992, under this section shall exceed four percent a year; in those instances where the adjustment under the formula of this section would exceed this maximum, the increase shall be deemed to be four percent.*

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

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

Sec. 13. [REPEALER.]

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

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 10, 12, and 13 are effective October 1, 1993. Sections 9, 12, and 13 apply to a personal injury, as defined under Minnesota Statutes, section 176.011, subdivision 16, occurring on or after October 1, 1993.

Section 11 is effective the day following final enactment and applies retroactively to October 1, 1992."

Amend the title accordingly

Mr. Finn questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Ms. Runbeck appealed the decision of the President.

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

The roll was called, and there were yeas 34 and nays 33, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The decision of the President was sustained.

S.F. No. 176 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 62 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Johnston	Larson	Merriam	Oliver	Runbeck
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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. 10 a Special Order to be heard immediately.

SPECIAL ORDER

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.

Mr. Beckman moved to amend H.F. No. 10, the unofficial engrossment, 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 but not limited to occupation-specific apprenticeship programs and community service 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, organized labor, and other interested parties.

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

Subdivision 1. [MEMBERSHIP.] The education and employment transitions council is established composed of the governor or governor's designee; the commissioners of education, labor and industry, and jobs and training; the chancellors of the technical and community colleges; a representative of the higher education coordinating board selected by the board; the president of Minnesota Technology, Inc.; one representative each from the Minnesota education association and the Minnesota federation of teachers; the executive director of the state council on vocational technical education; one representative each from the Minnesota chamber of commerce, the Minnesota business partnership, and the Minnesota high technology council; and two representatives appointed by the Minnesota AFL-CIO.

Subd. 2. [PURPOSE.] The council shall assist in developing and implementing youth apprenticeship programs throughout the state and, where feasible, in integrating community service and service learning curriculum into youth apprenticeship programs. The council shall submit a report to the legislature and the governor, annually by January 15, describing the actions taken during the previous calendar year to develop and implement youth apprenticeship programs under this section, what waivers of law, if any, are necessary to accomplishing the purposes of this section, and the budget and staffing needs of the programs.

Subd. 3. [DUTIES.] The council shall:

(1) identify changes that must be made in post-secondary guidance and counselor and vocational education preparation programs to facilitate work-force 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 and vocational education preparation;

(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) develop plans to meet the unique needs of students with disabilities in establishing comprehensive youth apprenticeship programs;

(9) advise the department of education concerning the implementation of comprehensive youth apprenticeship and youth works programs;

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

(11) ensure that the comprehensive youth apprenticeship and youth works programs established are consistent with state and federal education, labor, and job training policies including chapter 178 as it applies to youth apprenticeship.

Subd. 4. [ADVISORY COMMITTEES.] The council may appoint advisory committees.

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

Subdivision 1. [OBJECTIVES.] (a) The education and employment transitions council, with the assistance of the department of education, 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 must accomplish the following objectives:

(1) provide students with work-based learning in skilled occupations that lead to high skill employment and opportunities for advancement;

(2) integrate students' secondary and post-secondary academic instruction and work-related learning so that they may qualify for an apprenticeship or other high skill training program;

(3) beginning in junior high school, expand the range of skilled occupations available to students to explore as career options;

(4) improve students' qualifications for an apprenticeship or other high skill training program and the opportunity to obtain secondary and post-secondary credit for their program experience;

(5) improve students' ability to use academic skills in the workplace;

(6) actively encourage women and minority students to participate in apprenticeship or other high skill training programs;

(7) increase the number of qualified students preparing to enter skilled industries and occupations and work with employers to improve students' access to such industries and occupations;

(8) involve representatives of business, industry, occupations, and organized labor in planning, developing, and evaluating the program, including designing the work-related curriculum;

(9) enable employers to assess students' skills and abilities before accepting the students as apprentices or employing them;

(10) expand employers' interest in and willingness to invest in training students for skilled occupations; and

(11) create a school program that is interesting, enjoyable, and challenging.

Subd. 2. [ACADEMIC INSTRUCTION AND WORK-RELATED LEARNING.] (a) A comprehensive youth apprenticeship program must integrate academic instruction and work-related learning in the classroom and at the workplace. Schools, in collaboration with students' employers, must use competency-based measures to evaluate students' progress in the program. Students who successfully complete the program must receive academic and occupational credentials from the participating school.

(b) The academic instruction provided as part of a comprehensive youth apprenticeship program must:

(1) meet applicable secondary and post-secondary education requirements;

(2) enable the students to attain academic proficiency in at least the areas of English, mathematics, history, science, and geography; and

(3) where appropriate, modify existing secondary and post-secondary curricula to accommodate the changing needs of the workplace.

(c) Work-based learning provided as part of the program must:

(1) supply students with knowledge, skills, and abilities based on appropriate, nationally accepted standards in the specific industries and occupations for which the students are trained;

(2) offer students structured job training at the worksite, including high quality supervised learning opportunities;

(3) foster interactive, team-based learning;

(4) encourage sound work habits and behaviors;

(5) develop workplace skills, including the ability to manage resources, work productively with others, acquire and use information, understand and master systems, and work with technologies; and

(6) where feasible, offer students the opportunity to participate in community service and service learning activities.

(d) Worksite learning and experience provided as part of the program must:

(1) help youth apprentices achieve the program's academic and work-based learning requirements;

(2) pay apprentices for their work; and

(3) assist employers to fulfill their commitment to youth apprentices.

Subd. 3. [PROGRAM COMPONENTS.] (a) A comprehensive youth apprenticeship program must require representatives of secondary and post-secondary school systems, affected local businesses, industries, occupations and labor, as well as the local community, to be actively and collaboratively involved in advising and managing the program.

(b) The entities participating in a program must consult with local private industry councils to ensure that the youth apprenticeship program meets local labor market demands and provides student apprentices with the high skill training necessary for career advancement within an occupation.

(c) The program must meet applicable state education requirements and labor standards, provide support services to program participants, and accommodate the integrating of work-related learning and academic instruction through flexible schedules for students and teachers and appropriately modified curriculum.

(d) Local employers, collaborating with labor organizations where appropriate, must assist the program by analyzing workplace needs, creating work-related curriculum, employing and adequately paying youth apprentices engaged in work-related learning in the workplace, training youth apprentices to become skilled in an occupation, providing student apprentices with a workplace mentor, periodically informing the school of an apprentice's progress, and making a reasonable effort to employ youth apprentices who successfully complete the program.

(e) A student participating in a comprehensive youth apprenticeship program must sign a youth apprenticeship agreement with participating entities that obligates youth apprentices, their parents or guardians, employers, and schools to meet program requirements; indicates how academic instruction, work-based learning, and worksite learning and experience will be integrated; ensures that successful youth apprentices will receive a recognized credential of academic and occupational proficiency; and establishes the wage rate and other benefits for which youth apprentices are eligible while employed during the program.

(f) Secondary school principals or counselors or business mentors familiar with the demonstration project must inform entering secondary school students about available occupational and career opportunities and the option of entering a youth apprenticeship program to obtain post-secondary academic and occupational credentials.

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

Subdivision 1. [COMMITTEES.] The education and employment transitions council shall establish and convene committees to develop and recom-

ment industry and occupational skill standards for the industries in which apprentices are placed.

Subd. 2. [MEMBERSHIP.] 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.

Subd. 3. [DUTIES.] 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 academic and technical preparation a student must complete 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] [COMPREHENSIVE YOUTH APPRENTICESHIP DEMONSTRATION PROGRAMS.]

The education and employment transitions council, with the assistance of the department of education, shall award planning and implementation grants to establish comprehensive youth apprenticeship demonstration programs. The education and employment transitions council, with the assistance of the department of education, shall establish criteria by September 15, 1993, 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 and employment transitions council shall review and comment on the proposals submitted. A grant applicant must represent secondary and post-secondary school systems and secondary school principals, and should include representatives of affected local businesses, industries and labor, as well as the local community.

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

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

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

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. [APPROPRIATION; DEMONSTRATION PROJECTS.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] There is appropriated from the general fund to the department of education for developing and implementing comprehensive youth apprenticeship demonstration programs under section 5:

\$1,000,000 ... 1994.

The appropriation is available until June 30, 1995. Up to \$100,000 of this appropriation may be used by the commissioner of the department of education to contract for services to provide technical assistance in creating a clearinghouse for information, recruiting businesses, developing skills standards, developing evaluation criteria, and establishing a databank for youth apprenticeship programs. The appropriation is available until June 30, 1995.

The education and employment transitions council shall actively seek a dollar for dollar match in funding or in-kind contributions from nonstate sources, including local program participants.

Subd. 2. [DEMONSTRATION PROJECTS.] The education and employment transitions council shall implement the comprehensive youth apprenticeship demonstration programs during the 1994-1995 biennium. Industries and occupations participating in the program must offer youth apprentices entry-level employment during the apprenticeship program period with opportunities for advancing into high skill, high wage positions.

Entities participating in the program must make a five-year commitment to effectively implementing a youth apprenticeship program."

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."

The motion prevailed. So the amendment was adopted.

Mr. Beckman then moved to amend the Beckman amendment to H.F. No. 10, adopted by the Senate May 14, 1993, as follows:

Page 1, line 33, after the semicolon, insert "*a service delivery area director appointed by the governor; a business chair of a private industry council appointed by the governor;*"

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

H.F. No. 10 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1314 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1314: A bill for an act relating to employees; providing for a wage protection program; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 181.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 17, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1149 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1149: A bill for an act relating to the agricultural finance authority; authorizing direct loans and participations; increasing the dollar limit; amending Minnesota Statutes 1992, sections 41B.02, by adding a subdivision; and 41B.043.

Mr. Morse moved to amend H.F. No. 1149, as amended pursuant to Rule 49, adopted by the Senate May 12, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 861.)

Page 3, after line 4, insert:

"Sec. 3. Minnesota Statutes 1992, section 500.24, subdivision 3, is amended to read:

Subd. 3. [FARMING AND OWNERSHIP OF AGRICULTURAL LAND BY CORPORATIONS RESTRICTED.] No corporation, limited liability company, pension or investment fund, or limited partnership shall engage in farming; nor shall any corporation, limited liability company, pension or investment fund, or limited partnership, directly or indirectly, own, acquire, or otherwise obtain an interest, whether legal, beneficial or otherwise, in any title to real estate used for farming or capable of being used for farming in this state. Provided, however, that the restrictions in this subdivision do not apply to corporations or partnerships in clause (b) and do not apply to corporations, limited partnerships, and pension or investment funds that record its name and the particular exception under clauses (a) to ~~(s)~~ (t) under which the agricultural land is owned or farmed, have a conservation plan prepared for the agricultural land, report as required under subdivision 4, and satisfy one of the following conditions under clauses (a) to ~~(s)~~ (t):

- (a) a bona fide encumbrance taken for purposes of security;
- (b) a family farm corporation, an authorized farm corporation, a family farm partnership, or an authorized farm partnership as defined in subdivision 2 or a general partnership;
- (c) agricultural land and land capable of being used for farming owned by a corporation as of May 20, 1973, or a pension or investment fund as of May 12, 1981, including the normal expansion of such ownership at a rate not to exceed 20 percent of the amount of land owned as of May 20, 1973, or, in the case of a pension or investment fund, as of May 12, 1981, measured in acres, in any five-year period, and including additional ownership reasonably necessary to meet the requirements of pollution control rules;
- (d) agricultural land operated for research or experimental purposes with the approval of the commissioner of agriculture, provided that any commercial sales from the operation must be incidental to the research or experimental objectives of the corporation. A corporation, limited partnership, or pension or investment fund seeking to operate agricultural land for research or experimental purposes must submit to the commissioner a prospectus or

proposal of the intended method of operation, containing information required by the commissioner including a copy of any operational contract with individual participants, prior to initial approval of an operation. A corporation, limited partnership, or pension or investment fund operating agricultural land for research or experimental purposes prior to May 1, 1988, must comply with all requirements of this clause except the requirement for initial approval of the project;

(e) agricultural land operated by a corporation or limited partnership for the purpose of raising breeding stock, including embryos, for resale to farmers or operated for the purpose of growing seed, wild rice, nursery plants or sod;

(f) agricultural land and land capable of being used for farming leased by a corporation or limited partnership in an amount, measured in acres, not to exceed the acreage under lease to such corporation as of May 20, 1973, or to the limited partnership as of May 1, 1988, and the additional acreage required for normal expansion at a rate not to exceed 20 percent of the amount of land leased as of May 20, 1973, for a corporation or May 1, 1988, for a limited partnership in any five-year period; and the additional acreage reasonably necessary to meet the requirements of pollution control rules;

(g) agricultural land when acquired as a gift (either by grant or a devise) by an educational, religious, or charitable nonprofit corporation or by a pension or investment fund or limited partnership; provided that all lands so acquired by a pension or investment fund, and all lands so acquired by a corporation or limited partnership which are not operated for research or experimental purposes, or are not operated for the purpose of raising breeding stock for resale to farmers or operated for the purpose of growing seed, wild rice, nursery plants or sod must be disposed of within ten years after acquiring title thereto;

(h) agricultural land acquired by a pension or investment fund or a corporation other than a family farm corporation or authorized farm corporation, as defined in subdivision 2, or a limited partnership other than a family farm partnership or authorized farm partnership as defined in subdivision 2, for which the corporation or limited partnership has documented plans to use and subsequently uses the land within six years from the date of purchase for a specific nonfarming purpose, or if the land is zoned nonagricultural, or if the land is located within an incorporated area. A pension or investment fund or a corporation or limited partnership may hold such agricultural land in such acreage as may be necessary to its nonfarm business operation; provided, however, that pending the development of agricultural land for nonfarm purposes, such land may not be used for farming except under lease to a family farm unit, a family farm corporation, an authorized farm corporation, a family farm partnership, or an authorized farm partnership, or except when controlled through ownership, options, leaseholds, or other agreements by a corporation which has entered into an agreement with the United States of America pursuant to the New Community Act of 1968 (Title IV of the Housing and Urban Development Act of 1968, United States Code, title 42, sections 3901 to 3914) as amended, or a subsidiary or assign of such a corporation;

(i) agricultural lands acquired by a pension or investment fund or a corporation or limited partnership by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise; provided, however, that all lands so acquired be disposed of within ten years after acquiring the title if acquired

before May 1, 1988, and five years after acquiring the title if acquired on or after May 1, 1988, acquiring the title thereto, and further provided that the land so acquired shall not be used for farming during the ten-year or five-year period except under a lease to a family farm unit, a family farm corporation, an authorized farm corporation, a family farm partnership, or an authorized farm partnership. The aforementioned ten-year or five-year limitation period shall be deemed a covenant running with the title to the land against any grantee, assignee, or successor of the pension or investment fund, corporation, or limited partnership. Notwithstanding the five-year divestiture requirement under this clause, a financial institution may continue to own the agricultural land if the agricultural land is leased to the immediately preceding former owner, but must divest of the agricultural land within the ten-year period;

(j) agricultural land acquired by a corporation regulated under the provisions of Minnesota Statutes 1974, chapter 216B, for purposes described in that chapter or by an electric generation or transmission cooperative for use in its business, provided, however, that such land may not be used for farming except under lease to a family farm unit, a family farm corporation, or a family farm partnership;

(k) agricultural land, either leased or owned, totaling no more than 2,700 acres, acquired after May 20, 1973, for the purpose of replacing or expanding asparagus growing operations, provided that such corporation had established 2,000 acres of asparagus production;

(l) all agricultural land or land capable of being used for farming which was owned or leased by an authorized farm corporation as defined in Minnesota Statutes 1974, section 500.24, subdivision 1, clause (d), but which does not qualify as an authorized farm corporation as defined in subdivision 2, clause (d);

(m) a corporation formed primarily for religious purposes whose sole income is derived from agriculture;

(n) agricultural land owned or leased by a corporation prior to August 1, 1975, which was exempted from the restriction of this subdivision under the provisions of Laws 1973, chapter 427, including normal expansion of such ownership or leasehold interest to be exercised at a rate not to exceed 20 percent of the amount of land owned or leased on August 1, 1975, in any five-year period and the additional ownership reasonably necessary to meet requirements of pollution control rules;

(o) agricultural land owned or leased by a corporation prior to August 1, 1978, including normal expansion of such ownership or leasehold interest, to be exercised at a rate not to exceed 20 percent of the amount of land owned or leased on August 1, 1978, and the additional ownership reasonably necessary to meet requirements of pollution control rules, provided that nothing herein shall reduce any exemption contained under the provisions of Laws 1975, chapter 324, section 1, subdivision 2;

(p) an interest in the title to agricultural land acquired by a pension fund or family trust established by the owners of a family farm, authorized farm corporation or family farm corporation, but limited to the farm on which one or more of those owners or shareholders have resided or have been actively engaged in farming as required by subdivision 2, clause (b), (c), or (d);

(q) agricultural land owned by a nursing home located in a city with a population, according to the state demographer's 1985 estimate, between 900 and 1,000, in a county with a population, according to the state demographer's 1985 estimate, between 18,000 and 19,000, if the land was given to the nursing home as a gift with the expectation that it would not be sold during the donor's lifetime. This exemption is available until July 1, 1995;

(r) the acreage of agricultural land and land capable of being used for farming owned and recorded by an authorized farm corporation as defined in Minnesota Statutes 1986, section 500.24, subdivision 2, paragraph (d), or a limited partnership as of May 1, 1988, including the normal expansion of the ownership at a rate not to exceed 20 percent of the land owned and recorded as of May 1, 1988, measured in acres, in any five-year period, and including additional ownership reasonably necessary to meet the requirements of pollution control rules;

(s) agricultural land owned or leased as a necessary part of an aquatic farm as defined in section 17.47, subdivision 3-; and

(t) farming of livestock acquired by a pension or investment fund, corporation, limited partnership, or limited liability company in the collection of debts, or by a procedure for the enforcement of a lien or claim thereon, whether created by a security agreement or otherwise; provided, however, that all livestock so acquired be disposed of within one full production cycle for the type of livestock operation from which the livestock was acquired but in no case later than 18 months after acquisition or 18 months after the effective date of this subdivision, whichever is later. This clause does not diminish the rights existing under this section, for financial institutions insured by the FDIC or its successor."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Frederickson questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Sams moved to amend H.F. No. 1149, as amended pursuant to Rule 49, adopted by the Senate May 12, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 861.)

Page 2, line 12, strike "\$20,000" and insert "\$35,000"

The motion prevailed. So the amendment was adopted.

Mr. Sams then moved to amend H.F. No. 1149, as amended pursuant to Rule 49, adopted by the Senate May 12, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 861.)

Page 3, after line 9, insert:

"Sec. 4. [APPROPRIATION; DAIRY LEADERS ROUNDTABLE.]

Notwithstanding any rules adopted under Minnesota Statutes, section 32A.071, a total of not more than \$100,000 in fiscal year 1993 and a total of not more than \$100,000 in fiscal year 1994 are appropriated on June 30, 1993, and June 30, 1994, from the balance remaining in the Minnesota milk

over-order premium account after all payments have been made at the discretion of the commissioner of agriculture to the Minnesota dairy leaders roundtable for programs and activities of the roundtable."

The motion prevailed. So the amendment was adopted.

H.F. No. 1149 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1138 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1138: A bill for an act relating to agriculture; changing eligibility and participation requirements for certain rural finance authority programs; authorizing an application fee; amending Minnesota Statutes 1992, sections 41B.03, subdivision 1, and by adding a subdivision; 41B.039, subdivision 2; and 41B.042, subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Ms. Robertson voted in the negative.

So the bill passed and its title was agreed to.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Ms. Flynn moved that the following members be excused for a Conference Committee on H.F. No. 238 from 2:15 to 2:45 p.m.:

Mses. Flynn, Johnston and Mr. Hottinger. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1523 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1523: A bill for an act relating to insurance; establishing and regulating the life and health guaranty association; providing for its powers and duties; amending Minnesota Statutes 1992, section 61A.02, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapter 61B; repealing Minnesota Statutes 1992, sections 61B.01; 61B.02; 61B.03; 61B.04; 61B.05; 61B.06; 61B.07; 61B.08; 61B.09; 61B.10; 61B.11; 61B.12; 61B.13; 61B.14; 61B.15; and 61B.16.

Mr. Luther moved to amend H.F. No. 1523, as amended pursuant to Rule 49, adopted by the Senate May 6, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1135.)

Page 1, after line 11, insert:

“Section 1. Minnesota Statutes 1992, section 61A.02, subdivision 2, is amended to read:

Subd. 2. [APPROVAL REQUIRED.] No policy of life insurance *or annuity contract* nor any rider of any kind or description which is made a part thereof shall be issued or delivered in this state, or be issued by a life insurance company organized under the laws of this state, until the form of the same has been approved by the commissioner. In making a determination under this section, the commissioner may require the insurer to provide rates and advertising materials related to policies *or contracts* issued or delivered in this state.

Sec. 2. Minnesota Statutes 1992, section 61A.02, subdivision 3, is amended to read:

Subd. 3. [DISAPPROVAL.] The commissioner shall, within 60 days after the filing of any form, disapprove the form:

(1) if the benefits provided are unreasonable in relation to the premium charged;

(2) *if the safety and soundness of the company would be threatened by the offering of an excess rate of interest on the policy or contract;*

(3) if it contains a provision or provisions which are unlawful, unfair, inequitable, misleading, or encourages misrepresentation of the policy; or

~~(3)~~ (4) if the form, or its provisions, is otherwise not in the public interest. It shall be unlawful for the company to issue any policy in the form so disapproved. If the commissioner does not within 60 days after the filing of any form, disapprove or otherwise object, the form shall be deemed approved.

For purposes of clause (2), an excess rate of interest is a rate of interest exceeding the rate of interest determined by subtracting three percentage points from Moody's corporate bond yield average as most recently available."

Page 3, line 24, before the semicolon, insert "or insolvency"

Page 4, line 33, delete "\$300,000" and insert "\$100,000"

Page 5, line 1, delete "\$300,000" and insert "\$100,000" and delete "present value" and delete "benefits, including"

Page 5, line 2, delete "or"

Page 5, after line 2, insert:

"(iv) \$300,000 in present value of annuity benefits for annuities which are part of a structured settlement or for annuities in regard to which periodic annuity benefits, for a period of not less than the annuitant's lifetime or for a period certain of not less than ten years, have begun to be paid, on or before the date of impairment or insolvency; or"

Page 5, line 3, delete "(4) and (5)" and insert "(5) and (6)"

Page 5, line 9, delete "\$300,000" and insert "\$100,000" and delete "present"

Page 5, line 10, delete "value annuity benefits," and delete the second comma

Page 5, after line 11, insert:

"(4) where no coverage limit has been specified for a covered policy or benefit, the coverage limit shall be \$300,000 in present value,"

Page 5, line 12, delete "(4)" and insert "(5)"

Page 5, line 14, delete the first "and" and after "(iii)," insert "(iv), and clause (4)."

Page 5, line 16, delete "(5)" and insert "(6)"

Page 5, line 17, delete "\$5,000,000" and insert "\$7,500,000"

Page 5, line 21, delete "\$5,000,000" and insert "\$7,500,000" in both places

Page 5, line 23, delete "(6)" and insert "(7)"

Page 5, line 26, delete "(7)" and insert "(8)"

Page 5, line 33, delete "(8)" and insert "(9)"

Page 6, line 5, delete "(9)" and insert "(10)"

Page 6, line 6, delete "(7) and (8)" and insert "(8) and (9)"

Page 6, line 8, delete "(ii)" and insert "(iii)" and delete "(7) and (8)" and insert "(8) and (9)"

Page 7, line 11, delete "providing" and insert "proving"

Page 7, line 20, delete "To the extent"

Page 7, delete line 21

Page 7, line 22, delete "chapter,"

Page 8, line 9, before "Sections" insert "(a)"

Page 8, after line 11, insert:

"(b) Participants in an employer-sponsored plan, which is funded in whole or in part by a covered policy, as specified in subdivision 4, clause (3), shall only be required to verify their status as residents and the amount of money in the unallocated annuity that represents their funds. Both these matters may be verified by the employer sponsoring the plan from plan records. Payments made to a plan shall be deemed to be made on behalf of the resident participant and are not the funds of the plan, the plan trustee, or any nonresident plan participant, and to the extent of such payments, discharge the association's obligation."

Page 9, line 12, after "of" insert "not less than"

Page 9, line 14, after "hardship" insert "such as, but not limited to, the funds being reasonably necessary to pay education, medical, home purchase, or essential living expenses,"

Page 9, line 16, after the period, insert "The hardship standards must also provide for an individual appeal to the board of directors in those circumstances which, while not meeting the standards approved by the commissioner, may truly be a hardship."

Page 11, line 2, delete "\$5,000,000" and insert "the liability limit"

Page 11, line 3, before the period, insert "specified in section 61B.19, subdivision 4"

Page 14, line 1, after the comma, insert "based in whole or in part on the insurer's financial inability to pay claims"

Page 20, line 19, before the period, insert "including, but not limited to, the power to make assessments"

Page 24, line 5, after the period, insert "Premiums for purposes of calculating average annual premium for calendar years prior to 1993 shall be determined in accordance with Minnesota Statutes 1992, sections 61B.01 to 61B.16."

Page 24, line 29, after the period, insert "If two or more assessments are made with respect to insurers that become impaired or insolvent in different calendar years, average annual premiums for purposes of the assessment percentage limitation are based upon the higher of the three-year averages calculated under subdivision 3, paragraph (c). If an impaired insurer becomes insolvent, the date of impairment must be used to determine the assessment."

Page 25, line 10, after the period, insert "If two or more assessments are made with respect to insurers that become impaired or insolvent in different calendar years, average annual premiums for purposes of the assessment percentage limitation is based upon the higher of the three-year averages calculated under subdivision 3, paragraph (c)."

Page 25, after line 20, insert:

“(e) If assessments under this section are inadequate to pay all obligations of the impaired insurer that are or become due and owing, then the association shall prepare a plan approved by the commissioner for prioritization of payments. If the association adopts general principles in the plan of operations, the association shall use the general principles in preparing the plan required under this paragraph. No formerly impaired or insolvent insurer may be reinstated until all payments of or on account of the insurer's contractual obligations by the guaranty association, along with all expenses thereof and interest on all such payments and expenses, shall have been repaid to the guaranty association or a plan of repayment by the insurer shall have been approved by the commissioner.”

Page 29, line 14, delete “take the”

Page 29, delete line 15

Page 29, line 16, delete everything before “Notify”

Page 29, line 20, after the semicolon, insert “or”

Page 29, line 21, delete “; or” and insert a period

Page 29, delete lines 22 to 26

Page 29, after line 28, insert:

“(b) If the commissioner deems it appropriate, the commissioner may.”

Page 29, line 29, delete “(2)” and insert “(1)”

Page 29, lines 30 and 32, delete “clause (1)” and insert “paragraph (a)”

Page 29, line 36, delete “(3)” and insert “(2)”

Page 30, line 4, delete “(4)” and insert “(3)”

Page 30, after line 13, insert:

“(4) Notify the board if the commissioner makes a formal order requiring the company to restrict its premium writing, obtain additional contributions to surplus, withdraw from this state, reinsure all or any part of its business, or increase capital, surplus, or any other account for the security of policyholders or creditors.”

Page 30, line 14, delete “(b)” and insert “(c)”

Page 30, line 20, delete “(c)” and insert “(d)”

Page 30, line 27, delete “(d)” and insert “(e)”

Page 30, line 30, delete “(e)” and insert “(f)”

Page 31, line 12, delete “(f)” and insert “(g)”

Page 31, line 15, delete “(g)” and insert “(h)”

Page 31, line 24, delete “(h)” and insert “(i)”

Page 31, after line 27, insert:

“Nothing in this section supersedes other requirements of law.”

Page 34, line 1, delete everything after “(a)” and insert “ No person, including an insurer, agent, or affiliate of an insurer or agent, shall offer for

sale in this state a covered life insurance, annuity, or health insurance policy or contract without delivering at the time of application for that policy or contract a notice in the form specified in subdivision 8, or in a form approved by the commissioner under paragraph (b), relating to coverage provided by the Minnesota Life and Health Insurance Guaranty Association. The notice may be part of the application. A copy of the notice must be given to the applicant. The notice must be delivered to the applicant at the time of application for the policy or contract, except that if the application is not taken from the applicant in person, the notice must be sent to the applicant within 72 hours after the application is taken. The person offering the policy or contract shall document the fact that the notice was given at the time of application or was sent within the specified time. This does not require that the receipt of the notice be acknowledged by the applicant.”

Page 34, delete lines 2 to 6

Page 34, line 32, delete everything after “(c)” and insert “ A policy or contract not covered by the Minnesota Life and Health Insurance Guaranty Association or the Minnesota Insurance Guaranty Association must contain the following notice in ten-point type, stamped in red ink on the policy or contract and the application:

“THIS POLICY OR CONTRACT IS NOT PROTECTED BY THE MINNESOTA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION OR THE MINNESOTA INSURANCE GUARANTY ASSOCIATION. IN THE CASE OF INSOLVENCY, PAYMENT OF CLAIMS IS NOT GUARANTEED. ONLY THE ASSETS OF THIS INSURER WILL BE AVAILABLE TO PAY YOUR CLAIM.””

Page 34, delete lines 33 to 36

Page 35, delete lines 1 to 6

Page 35, line 7, delete everything before “This”

Page 35, line 14, delete “who” and insert “that”

Page 35, line 33, delete “\$300,000” and insert “\$100,000”

Page 35, line 36, delete “or \$300,000” and insert “\$100,000” and delete “the present value of”

Page 36, line 1, delete “benefits, including”

Page 36, line 2, after “values” insert “, \$300,000 in present value of annuity benefits for annuities which are part of a structured settlement or for annuities in regard to which periodic annuity benefits, for a period of not less than the annuitant's lifetime or for a period certain of not less than ten years, have begun to be paid on or before the date of impairment or insolvency, or if no coverage limit has been specified for a covered policy or benefit, the coverage limit shall be \$300,000 in present value”

Page 36, line 6, delete “present value annuity benefits, including”

Page 36, line 8, before the period, insert “provided, however, that the association shall not be responsible for more than \$7,500,000 in claims from all Minnesota residents covered by the plan. If total claims exceed \$7,500,000, the \$7,500,000 shall be prorated among all claimants”

Page 36, delete lines 35 and 36

Page 37, delete lines 1 to 6

Page 37, line 7, delete "10" and insert "9"

Page 37, line 11, delete "9" and insert "8"

Page 37, line 13, delete "11" and insert "10"

Page 37, line 15, before "9" insert "or" and delete ", or 10"

Page 38, delete section 16

Page 39, line 25, after "benefit" insert "life insurance company" and after "life" insert "insurance company (California)"

Page 39, lines 27 and 32, delete "August 1, 1993" and insert "the effective date of this act"

Page 39, line 33, after "Statutes" insert "1992"

Page 40, after line 1, insert:

"Payments made to a plan shall be deemed to be made on behalf of the resident participant and are not the funds of the plan, the plan trustee, or any nonresident plan participant and to the extent of such payments, discharge the association's obligation."

Page 40, lines 5 and 6, delete "August 1, 1993" and insert "the effective date of this act"

Page 40, line 16, delete "March 17, 1993" and insert "the effective date of this act"

Page 40, line 17, after "Statutes" insert "1992"

Page 40, line 18, after "insurer" insert "or any successor to that insurer"

Page 40, 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.

H.F. No. 1523 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Beckman	Finn	Laidig	Novak	Sams
Belanger	Frederickson	Langseth	Oliver	Samuelson
Benson, D.D.	Hanson	Larson	Olson	Solon
Benson, J.E.	Hottinger	Lesewski	Pappas	Spear
Berg	Janezich	Lessard	Pariseau	Stevens
Bergin	Johnson, D.E.	Luther	Piper	Stumpf
Bertram	Johnson, J.B.	Marty	Pogemiller	Terwilliger
Betzold	Johnston	McGowan	Price	Vickerman
Chandler	Kelly	Merriam	Ranum	Wiener
Chmielewski	Kiscaden	Mondale	Reichgott	
Cohen	Knutson	Morse	Riveness	
Day	Krentz	Murphy	Robertson	
Dille	Kroening	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. 1095 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1095: A bill for an act relating to insurance; regulating investments, assets and liabilities, and annual statements of companies; providing for continuance of coverage upon liquidation; modifying the definition of resident for purposes of the Minnesota insurance guaranty association; regulating dividends and other distributions of insurance holding company systems; regulating risk retention groups; regulating the workers' compensation assigned risk plan; enacting the NAIC model legislation; amending Minnesota Statutes 1992, sections 60A.11, subdivision 9; 60A.12, subdivision 3; 60A.13, subdivisions 1 and 6; 60A.23, subdivision 4; 60B.22, subdivision 1; 60C.03, subdivision 7; 60D.20, subdivisions 2 and 4; 60E.01; 60E.02, subdivisions 9 and 12; 60E.03; 60E.04, subdivisions 1, 2, 3, 4, 7, 8, 11, and by adding a subdivision; 60E.05; 60E.07; 60E.08; 60E.09; 60E.10; 60E.12; and 60E.13; proposing coding for new law in Minnesota Statutes, chapters 60A and 60E; repealing Minnesota Statutes 1992, sections 60A.07, subdivision 5d; 60A.12, subdivision 10; 60B.24; 60E.11; and 79.252, subdivision 1.

Mr. Luther moved to amend H.F. No. 1095, as amended pursuant to Rule 49, adopted by the Senate April 21, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1446.)

Page 18, line 26, after "of" insert "*earned surplus attributable to*"

The motion prevailed. So the amendment was adopted.

H.F. No. 1095 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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. 1436 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1436: A bill for an act relating to the environment; appropriating money from the metropolitan landfill contingency trust fund to the commissioner of the pollution control agency for reimbursement to the city of Hopkins for remediation of methane at the city landfill; amending Laws 1991, chapter 182, section 7.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 2, as follows:

Those who voted in the affirmative were:

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

Ms. Johnston and Mr. Stevens voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1060 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1060: A bill for an act relating to agriculture; making technical changes in eligibility for certain rural finance authority loan programs; authorizing an ethanol development program; appropriating money; amending Minnesota Statutes 1992, sections 41B.02, subdivisions 7, 12, 14, 15, and by adding subdivisions; 41B.03, subdivision 3; 41B.04, subdivision 9, and by adding a subdivision; and 41C.05, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 41B.

Mr. Bertram moved to amend H.F. No. 1060, the unofficial engrossment, as follows:

Page 2, after line 21, insert:

"Sec. 7. Minnesota Statutes 1992, section 41B.02, is amended by adding a subdivision to read:

Subd. 20. [ETHANOL PRODUCTION FACILITY.] "Ethanol production facility" means a facility that ferments, distills, dewateres, or otherwise produces ethanol as defined in section 41A.09, subdivision 2, paragraph (a)."

Page 4, after line 34, insert:

"Sec. 11. [41B.044] [ETHANOL DEVELOPMENT PROGRAM.]

Subdivision 1. [ETHANOL PRODUCTION FACILITY LOAN PROGRAM.] The authority may establish, adopt rules for, and implement an ethanol production facility loan program to provide capital for ethanol production facilities. The program may provide for secured or unsecured loans, loan participations and loan guarantees with respect to real or personal property comprising all or part of an ethanol production facility, and the payment of costs incurred by the authority to establish and administer the program.

Subd. 2. [ETHANOL DEVELOPMENT FUND.] There is established in the state treasury an ethanol development fund. Interest earned on money in the fund accrues to the fund, and money in the fund is appropriated to the commissioner of agriculture for purposes of the ethanol production facility loan program, including costs incurred by the authority to establish and administer the program.

Subd. 3. [REVENUE BONDS.] The authority may issue revenue bonds to finance the ethanol production facility loan program in accordance with sections 41B.08 to 41B.15, 41B.17, and 41B.18. Bonds may be refunded by the issuance of refunding bonds in the manner authorized by chapter 475.

Subd. 4. [PROGRAM REQUIREMENTS.] The requirements in this subdivision apply to the ethanol production facility loan program.

(a) Individuals, corporations, cooperatives, partnerships, and joint ventures may participate in the program and are not required to meet the eligibility requirements of section 41B.03, subdivision 1.

(b) Program participants may be required to pay reasonable nonrefundable application fees and origination fees established by the authority by rule under section 41B.07. Application and origination fees received by the authority must be deposited in the ethanol development fund.

(c) Total assistance provided to an ethanol production facility from appropriated funds must not exceed \$500,000 or a lesser amount as provided by rules relating to the program.

(d) The interest payable on loans and loan participations made by the authority must, if funded by revenue bond proceeds, be at a rate not less than the rate on the revenue bonds, and may be established at a higher rate necessary to pay costs associated with the issuance of the revenue bonds and a proportionate share of the cost of administering the program. The interest payable on loans and loan participations funded from sources other than revenue bond proceeds must be at a rate determined by the authority."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Sams moved that H.F. No. 1060 be laid on the table. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 545 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 545: A bill for an act relating to retirement; expanding coordinated

plan survivor coverage benefits for certain public employees and teachers; amending Minnesota Statutes 1992, sections 352.01, by adding a subdivision; 352.12, subdivision 2, and by adding subdivisions; 353.01, subdivision 15, and by adding a subdivision; 353.32, subdivision 1a, and by adding subdivisions; 354.05, subdivision 8, and by adding a subdivision; 354.46, subdivisions 2, 5, and by adding subdivisions; 354A.011, by adding a subdivision; and 354A.35, subdivision 2, and by adding subdivisions.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kiscaden	Olson	Pariseau	Robertson	Runbeck
Oliver				

So the bill passed and its title was agreed to.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Ms. Anderson moved that the following members be excused for a Conference Committee on H.F. No. 795 at 5:00 p.m.:

Ms. Anderson, Messrs. Chandler and Knutson. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1247 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1247: A bill for an act relating to motor vehicles; establishing automobile theft prevention program and creating board; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 168A.

Mr. Riveness moved to amend H.F. No. 1247, as amended pursuant to Rule 49, adopted by the Senate May 11, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 867.)

Pages 3 and 4, delete section 2

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1247 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 57 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

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. 1107 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1107: A bill for an act relating to waters; establishing a small craft harbors program for Lake Superior; stating powers and duties of the commissioner of natural resources and local authorities in respect thereto; proposing coding for new law in Minnesota Statutes, chapter 86A.

Mr. Stevens moved to amend H.F. No. 1107, as amended pursuant to Rule 49, adopted by the Senate May 5, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1467.)

Page 1, line 15, before the period, insert “, and recognizes and accepts privately owned marinas that are in concert with and meet the requirements of the plan”

Page 2, line 17, before the semicolon, insert “and may establish cooperative arrangements with privately owned marinas to develop facilities and services in concert with the North Shore Harbors Plan. Technical and professional assistance may be provided within available resources”

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

Mr. Johnson, D.J. moved to amend H.F. No. 1107, as amended pursuant to Rule 49, adopted by the Senate May 5, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1467.)

Page 1, line 13, delete “as amended”

Page 1, line 14, delete “March 2, 1993,” and after “relative” insert “only”

The motion prevailed. So the amendment was adopted.

H.F. No. 1107 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Oliver 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 that the House has adopted the recommendation and report of the Conference Committee on House File No. 1709, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1709 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 14, 1993

SUSPENSION OF RULES

Mr. Moe, R.D. moved that Joint Rule 2.03 be suspended as it relates to the Conference Committee report on H.F. No. 1709. The motion prevailed.

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1709

A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; fixing and limiting accounts and fees; amending Minnesota Statutes 1992, sections 11A.21, subdivision 1; 161.081; 161.39, by adding a subdivision; 169.121, subdivision 7; 169.123, subdivision 5a; 171.02, subdivision 1; 171.06, subdivisions 2 and 4; 171.07, by adding a subdivision; 171.11; 171.22, subdivision 1; 174.02, by adding a subdivision; 296.02, subdivision 1a; 296.025, subdivision 1a; Laws 1992, chapter 513, article 3, section 77; proposing coding for new law in Minnesota

Statutes, chapter 161; repealing Minnesota Statutes 1992, sections 171.20, subdivision 1; 296.01, subdivision 4; and 296.026.

May 13, 1993

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 1709, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1709 be further amended as follows:

Delete everything after the enacting clause and insert:

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

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

SUMMARY BY FUND

	1993	1994	1995	TOTAL
General	\$630,000	\$ 74,582,000	\$ 66,851,000	\$ 142,063,000
Airports	385,000	16,884,000	15,681,000	32,950,000
C.S.A.H.		246,890,000	247,890,000	494,780,000
Environmental		240,000	240,000	480,000
Highway User		11,551,000	11,458,000	23,009,000
M.S.A.S.		71,990,000	71,990,000	143,980,000
Special Revenue		1,252,000	1,252,000	2,504,000
Trunk Highway		754,472,000	760,022,000	1,514,494,000
Transfers to Other				
Direct		(2,398,000)	(2,346,000)	(4,744,000)
TOTAL	1,015,000	1,173,767,000	1,174,734,000	2,349,516,000

APPROPRIATIONS

Available for the Year

Ending June 30

1994 1995

Sec. 2. TRANSPORTATION

Subdivision 1. Total

Appropriation	385,000	1,036,111,000	1,040,203,000
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The appropriations in this section are from the trunk highway fund, except when another fund is named.

Summary by Fund

General		11,659,000	9,192,000
Airports	385,000	16,884,000	15,681,000
C.S.A.H.		246,890,000	247,890,000
Environmental		200,000	200,000
M.S.A.S.		71,990,000	71,990,000
Trunk Highway		688,488,000	695,250,000

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

Subd. 2. Aeronautics	385,000	16,692,000	15,487,000
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This appropriation is from the state airports fund.

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

(a) Airport Development and Assistance

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

\$385,000 is appropriated for fiscal year 1993 from the state airports fund, to be used in conjunction with funds provided by the Canadian government for airport construction at the Piney-Pine Creek Border Airport, and is available until the project is either completed or abandoned.

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

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

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

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

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

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

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

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

(b) Civil Air Patrol

65,000	65,000
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(c) Aeronautics Administration

5,622,000	4,581,000
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Of the appropriation for the first year, \$1,200,000 is for the purchase of an office building to house the office of aeronautics.

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

Subd. 3. Transit	11,537,000	9,089,000
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Summary by Fund

General	11,239,000	8,789,000
Trunk Highway	298,000	300,000

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

(a) Greater Minnesota Transit Assistance

10,644,000	8,394,000
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This appropriation is from the general fund.

(b) Transit Administration

693,000	695,000
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Summary by Fund

General	395,000	395,000
Trunk Highway	298,000	300,000

(c) Light Rail Transit

200,000

This appropriation is from the general fund and is to match federal funds for the planning and design of a metropolitan light rail transit system. This amount is available only if Hennepin county provides \$400,000 and Ramsey county provides \$200,000 to the commissioner of transportation for this purpose.

Subd. 4. Railroads and Waterways

1,134,000 1,134,000

Summary by Fund

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

Subd. 5. Motor Carrier Regulation

2,177,000 2,177,000

Summary by Fund

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

Subd. 6. Local Roads

319,950,000 320,950,000

Summary by Fund

C.S.A.H.	246,890,000	247,890,000
M.S.A.S.	71,990,000	71,990,000
Trunk Highway	1,070,000	1,070,000

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

(a) County State Aids

246,890,000 247,890,000

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

(b) Municipal State Aids

71,990,000 71,990,000

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

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

(c) State Aid Technical Assistance

1,070,000	1,070,000
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Subd. 7. State Road Construction	360,961,000	363,335,000
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Summary by Fund

Environmental	200,000	200,000
Trunk Highway	360,761,000	363,135,000

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

(a) State Road Construction

338,295,000	337,863,000
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Summary by Fund

Environmental	200,000	200,000
Trunk Highway	338,095,000	337,663,000

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

Federal Highway Aid

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

153,095,000	152,663,000
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The commissioner of transportation shall notify the chair of the committee on finance of the senate and chair of the committee on ways and means of the house of representatives promptly of any events that should cause these estimates to change.

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

(b) Highway Debt Service

14,380,000 17,186,000

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

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on finance of the senate and the committee on ways and means of the house of representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation.

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

(c) Highway Program Administration

2,042,000 2,042,000

\$243,000 the first year and \$243,000 the second year are available for grants for transportation studies outside the metropolitan area for transportation studies to identify critical concerns, problems, and issues. These grants are available to (1) regional development commissions, and (2) in regions where no regional development commission is functioning, joint-powers boards established under agreement of two or more political subdivisions in the region to exercise the planning functions of a regional development commission.

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

(d) Transportation Data Analysis

3,279,000 3,279,000

(e) Research and Strategic Initiatives

2,965,000 2,965,000

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

Subd. 8. Highway Program Delivery	115,223,000	115,268,000
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(a) Design Engineering

50,493,000	50,538,000
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(b) Construction Engineering

64,730,000	64,730,000
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Subd. 9. State Road Operations	167,580,000	171,950,000
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Summary by Fund

Trunk Highway	167,554,000	171,941,000
General	26,000	9,000

(a) State Road Operations

157,994,000	162,381,000
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(b) Electronic Communications

3,365,000	3,348,000
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Summary by Fund

General	26,000	9,000
Trunk Highway	3,339,000	3,339,000

\$26,000 the first year and \$9,000 the second year are for equipment and operation of the Roosevelt signal tower for Lake of the Woods weather broadcasting.

(c) Traffic Engineering

6,221,000	6,221,000
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Subd. 10. Equipment	15,493,000	15,493,000
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Summary by Fund

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

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

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

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

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

(a) General Management

15,022,000 15,022,000

(b) General Services

8,718,000 8,672,000

Summary by Fund

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

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

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

(c) Legal Services

1,566,000 1,566,000

This appropriation is for the purchase of legal services from or through the attorney general.

(d) Air Transportation Services

58,000 60,000

This appropriation is from the state airports fund.

Subd. 12. Transfers

The commissioner of transportation with the approval of the commissioner of finance may transfer unencumbered balances among the appropriations from the trunk highway fund and the state airports

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

Subd. 13. Contingent Appropriation

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

Sec. 3. REGIONAL TRANSIT BOARD

Subdivision 1. Total Appropriation	32,792,000	27,891,000
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Subd. 2. Regular Route

15,492,000	12,307,000
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Of this amount, \$14,692,000 the first year and \$12,307,000 the second year are for the metropolitan transit commission. The regional transit board must not reduce this appropriation to the metropolitan transit commission.

Subd. 3. Metro Mobility

13,800,000	12,974,000
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The regional transit board must not spend any money for metro mobility outside this appropriation.

Subd. 4. Community Based and Agency Costs

3,500,000	2,610,000
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Sec. 4. TRANSPORTATION REGULATION BOARD

705,000	707,000
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This appropriation is from the trunk highway fund.

Sec. 5. PUBLIC SAFETY

Subdivision 1. Total

Appropriation	630,000	104,796,000	103,178,000
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Summary by Fund

	1993	1994	1995
General	630,000	30,064,000	29,701,000
Highway User		11,426,000	11,333,000
Special Revenue		1,252,000	1,252,000
Trunk Highway		64,412,000	63,198,000
Environmental		40,000	40,000
Transfers to Other			
Direct		(2,398,000)	(2,346,000)

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

Subd. 2. Administration and Related Services

4,640,000	4,473,000
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Summary by Fund

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

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

Subd. 3. State Patrol

43,781,000	42,214,000
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Summary by Fund

General	389,000	389,000
Highway User	90,000	90,000
Trunk Highway	43,302,000	41,735,000

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

During the biennium ending June 30,

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

The state patrol shall not reduce the hours of operation or the level of service at the Saginaw, Worthington, and Erskine weigh stations. The Moorhead weigh station shall be opened by January 31, 1995.

Subd. 4. Driver and Vehicle Services

29,680,000 30,058,000

Summary by Fund

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

The appropriation from the special revenue fund is from the bicycle transportation account.

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

Subd. 5. Traffic Safety

223,000 223,000

Summary by Fund

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

Subd. 6. Pipeline Safety

736,000 736,000

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

Subd. 7. Emergency Management

630,000 2,005,000 1,941,000

Summary by Fund

General	630,000	1,965,000	1,901,000
Environmental		40,000	40,000

Subd. 8. Criminal Apprehension

14,647,000 14,461,000

Summary by Fund

General	13,213,000	13,026,000
Special Revenue	460,000	460,000
Trunk Highway	974,000	975,000

\$200,000 the first year and \$200,000 the second year are for use by the bureau of criminal apprehension for the purpose of investigating cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$366,000 the first year and \$366,000 the second year from the bureau of criminal apprehension account in the special revenue fund are for laboratory activities.

\$94,000 the first year and \$94,000 the second year from the bureau of criminal apprehension account in the special revenue fund are for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$25,000 in fiscal year 1994 and \$25,000 in fiscal year 1995 are appropriated from the general fund to the commissioner of public safety to reimburse local correctional agencies for costs incurred to comply with section 29.

Of this appropriation, \$110,000 in fiscal year 1994 and \$101,000 in fiscal year 1995 are for the implementation of the seven-day fingerprint identification service.

Of this appropriation, \$175,000 in fiscal year 1994 and \$152,000 in fiscal year 1995 are for the costs of addressing workload increases in maintaining the BCA's computerized criminal history data system.

Of this appropriation, \$129,000 in fiscal year 1994 and \$99,000 in fiscal year 1995 are for the costs of addressing workload increases in maintaining the

criminal justice data communications network.

Of this appropriation, \$125,000 is for the development of a community data model for state, county, and local criminal justice information systems.

\$50,000 in fiscal year 1994 and \$47,000 in fiscal year 1995 are appropriated from the general fund for transfer to the supreme court for the costs of addressing workload increases in maintaining the supreme court information system.

Subd. 9. Fire Marshal

2,495,000 2,481,000

Subd. 10. Capitol Security

1,420,000 1,420,000

Subd. 11. Liquor Control

636,000 636,000

Subd. 12. Gambling Enforcement

1,131,000 1,133,000

Subd. 13. Drug Policy and Violence Prevention

1,494,000 1,494,000

Of this appropriation, \$852,000 in each year of the biennium is to be distributed by the commissioner, after consulting with the chemical abuse prevention resource council, as follows:

\$66,000 each year to support the work of the chemical abuse prevention resource council. These funds may not be spent until the council's recommendation concerning the planned expenditures has been submitted to and considered by the commissioner of public safety;

\$174,000 each year to the commissioner of health to implement work plans regarding fetal alcohol syndrome research, training, public outreach, and policy development. These funds may not be spent until the council's recommendation concerning the planned expenditures has been submitted to and considered by the commissioner of health; and

\$612,000 each year to the commissioner of human services. These funds may not be spent until the council's recommendation concerning the planned expenditures has been submitted to and considered by the commissioner of human services. Of this amount, \$100,000 shall be used to develop a chemical health index model as required by Minnesota Statutes 1992, section 299A.325, or other law; \$75,000 shall be used to encourage treatment programs to expand their diagnostic methods and treatment scope to treat individuals using combined mental health and chemical dependency programs; \$75,000 is for treatment programs for pregnant women and women with children; \$75,000 is for treatment programs for chemically dependent children from ages six to 12; and \$287,000 is for treatment programs for high-risk youth under Minnesota Statutes 1992, section 254A.14, subdivision 3.

Subd. 14. Crime Victims Services

1,835,000 1,835,000

Notwithstanding any other law to the contrary, the crime victims reparations board shall, to the extent possible, distribute the appropriation in equal monthly increments.

In no case shall the total awards exceed the appropriation made in this subdivision.

Subd. 15. Crime Victims Ombudsman

73,000 73,000

Subd. 16. Deficiency Appropriation

\$630,000 is appropriated from the general fund to the commissioner of public safety for fiscal year 1993. Of this appropriation, \$545,000 is to match federal funds, for tornado damage in Southwestern Minnesota as provided by Presidential Disaster Declaration DSR946, awarded on June 22, 1992, and \$85,000 is to match federal funds for winter storm damage as provided by Presidential Disaster Declaration DSR929, awarded December 26, 1991.

Subd. 17. Transfers

The commissioner of public safety may transfer unencumbered balances among the programs specified in this section after getting the approval of the commissioner of finance. The commissioner of finance shall not approve a transfer unless the commissioner believes that it will carry out the intent of the legislature. The transfer must be reported immediately to the committee on finance of the senate and the house of representatives ways and means committee.

Subd. 18. Reimbursements

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

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

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

Sec. 6. PRIVATE DETECTIVE AND
PROTECTIVE AGENT SERVICES
BOARD

67,000 67,000

Sec. 7. MINNESOTA SAFETY
COUNCIL

67,000 67,000

This appropriation is from the trunk highway fund.

Sec. 8. GENERAL CONTINGENT
ACCOUNTS

325,000 325,000

The appropriations in this section may only be spent with the approval of the governor after consultation with the legislative advisory commission pursuant to Minnesota Statutes, section 3.30.

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

Summary by Fund

Trunk Highway Fund	200,000	200,000
Highway User		
Tax Distribution Fund	125,000	125,000

Sec. 9. TORT CLAIMS

600,000 600,000

To be spent by the commissioner of finance.

This appropriation is from the trunk highway fund.

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

Sec. 10. UNCODIFIED LANGUAGE

All uncodified language contained in sections 1 to 9 expires on June 30, 1995, unless a different expiration is explicit.

Sec. 11. [EFFECTIVE DATE FOR 1993 APPROPRIATIONS.]

Any appropriation in this act for fiscal year 1993 is effective the day following final enactment.

Sec. 12. [STONE ARCH BRIDGE; REVERSION.]

Notwithstanding any law to the contrary, any provision in a deed of conveyance of legal title to the James J. Hill stone arch bridge from Hennepin county to the commissioner of transportation that provides for reversion of the bridge to the county is void.

Sec. 13. Laws 1992, chapter 513, article 3, section 77, is amended to read:

Sec. 77. [STONE ARCH BRIDGE.]

Notwithstanding any other law to the contrary, the board of Hennepin county commissioners, in its capacity as the county board or as the Hennepin county regional rail authority, shall transfer legal title to the James J. Hill stone arch bridge to the commissioner of transportation for a consideration of \$1,001. ~~The deed of conveyance shall provide for reversion of the property to the county in the event the county has need of the bridge for light rail transit. The commissioner shall by order prohibit use of the bridge by motorized traffic, except that the commissioner may permit use of the bridge by the following vehicles if the commissioner determines that such use will not adversely affect the design of the bridge: (1) vehicles used exclusively to transport persons with physical disabilities; (2) maintenance vehicles; and (3) a low-speed, motorized, rubber-tire bus that crosses the bridge not more than ten times each day.~~

Sec. 14. Minnesota Statutes 1992, section 11A.21, subdivision 1, is amended to read:

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

Sec. 15. Minnesota Statutes 1992, section 161.081, is amended to read:

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

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

(1) 28 percent to the trunk highway fund;

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

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

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

Sec. 16. Minnesota Statutes 1992, section 161.39, is amended by adding a subdivision to read:

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

Sec. 17. Minnesota Statutes 1992, section 168.345, is amended by adding a subdivision to read:

Subd. 3. [REQUESTS FOR INFORMATION; SURCHARGE ON FEE.] The commissioner shall impose a surcharge of 25 cents on each fee charged by the commissioner under section 13.03, subdivision 3, for copies or electronic transmittal of public information concerning motor vehicle registrations. This surcharge only applies to a fee imposed in responding to a request made in person or by mail, or to a request for transmittal through a computer modem. The commissioner shall forward the surcharges collected under this subdivision to the commissioner of finance on a monthly basis. Upon receipt, the commissioner of finance shall credit the surcharges to the general fund.

Sec. 18. Minnesota Statutes 1992, section 169.121, subdivision 7, is amended to read:

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

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

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

Sec. 19. Minnesota Statutes 1992, section 169.123, subdivision 5a, is amended to read:

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

refuses to permit a test, or on a person who submits to a test the results of which indicate an alcohol concentration of 0.04 or more. The officer shall either:

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

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

Sec. 20. Minnesota Statutes 1992, section 171.02, subdivision 1, is amended to read:

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

Sec. 21. Minnesota Statutes 1992, section 171.06, subdivision 2, is amended to read:

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

Classified Driver License	C-\$15	CC-\$19	B-\$26	A-\$34
	C-\$18.50	CC-\$22.50	B-\$29.50	A-\$37.50
Classified Under 21 D.L.	C-\$15	CC-\$19	B-\$26	A-\$14
	C-\$18.50	CC-\$22.50	B-\$29.50	A-\$17.50
Instruction Permit				\$6 9.50
Duplicate Driver or Under 21 License				\$4.50
				\$8.00
Minnesota identification card, except as otherwise provided in section 171.07, subdivisions 3 and 3a				\$9
				\$12.50

Sec. 22. Minnesota Statutes 1992, section 171.06, subdivision 4, is amended to read:

Subd. 4. [APPLICATION, FILING; FEE RETAINED FOR EXPENSES.] Any applicant for an instruction permit, a driver's license, restricted license, or duplicate license may file an application with a court administrator of the district court or at a state office. The administrator or state office shall receive

and accept the application. To cover all expenses involved in receiving, accepting, or forwarding to the department applications and fees, the court administrator of the district court may retain a county fee of \$4 \$3.50 for each application for a Minnesota identification card, instruction permit, duplicate license, driver license, or restricted license. The amount allowed to be retained by the court administrator of the district court shall be paid into the county treasury and credited to the general revenue fund of the county. Before the end of the first working day following the final day of an established reporting period, the court administrator shall forward to the department all applications and fees collected during the reporting period, less the amount herein allowed to be retained for expenses. The court administrators of the district courts may appoint agents to assist in accepting applications, but the administrators shall require every agent to forward to the administrators by whom the agent is appointed all applications accepted and fees collected by the agent, except that an agent may retain ~~one-half~~ of the \$4 county fee to cover the agent's expenses involved in receiving, accepting or forwarding the applications and fees. The court administrators shall be responsible for the acts of agents appointed by them and for the forwarding to the department of all applications accepted and those fees collected by agents and by themselves as are required to be forwarded to the department.

Sec. 23. Minnesota Statutes 1992, section 171.07, is amended by adding a subdivision to read:

Subd. 9. [IMPROVED SECURITY.] The commissioner shall develop new drivers' licenses and identification cards, to be issued beginning January 1, 1994, that must be as impervious to alteration as is reasonably practicable in their design and quality of material and technology. The driver's license security laminate shall be made from materials not readily available to the general public. The design and technology employed must enable the driver's license and identification card to be subject to two or more methods of visual verification capable of clearly indicating the presence of tampering or counterfeiting. The driver's license and identification card must not be susceptible to reproduction by photocopying or simulation and must be highly resistant to data or photograph substitution and other tampering.

Sec. 24. Minnesota Statutes 1992, section 171.11, is amended to read:

171.11 [CHANGE OF DOMICILE OR NAME.]

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

Sec. 25. Minnesota Statutes 1992, section 171.12, is amended by adding a subdivision to read:

Subd. 8. [REQUESTS FOR INFORMATION; SURCHARGE ON FEE.] The commissioner shall impose a surcharge of 25 cents on each fee charged

by the commissioner under section 13.03, subdivision 3, for copies or electronic transmittal of public information concerning driver's license and Minnesota identification card applicants. This surcharge only applies to a fee imposed in responding to a request made in person or by mail, or to a request for transmittal through a computer modem. The commissioner shall forward the surcharges collected under this subdivision to the commissioner of finance on a monthly basis. Upon receipt, the commissioner of finance shall credit the surcharges to the general fund.

Sec. 26. Minnesota Statutes 1992, section 171.22, subdivision 1, is amended to read:

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

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

Sec. 27. Minnesota Statutes 1992, section 171.26, is amended to read:

171.26 [MONEY CREDITED TO FUNDS.]

All money received under the provisions of this chapter ~~shall~~ must be paid into the state treasury with 90 percent of such money and credited to the trunk highway fund, and ten percent credited to the general fund, except as provided in sections 171.06, subdivision 2a; 171.12, subdivision 8; and 171.29, subdivision 2, paragraph (b).

Sec. 28. Minnesota Statutes 1992, section 174.02, is amended by adding a subdivision to read:

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

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

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

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

Sec. 29. Minnesota Statutes 1992, section 241.021, subdivision 1, is amended to read:

Subdivision 1. [SUPERVISION OVER CORRECTIONAL INSTITUTIONS.] (1) The commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons detained or confined therein. Commencing September 1, 1980, no individual, corporation, partnership, voluntary association, or other private organization legally responsible for the operation of a correctional facility may operate the facility unless licensed by the commissioner of corrections. The commissioner shall annually review the correctional facilities described in this subdivision, except as otherwise provided herein, to determine compliance with the minimum standards established pursuant to this subdivision. The commissioner shall grant a license to any facility found to conform to minimum standards or to any facility which, in the commissioner's judgment, is making satisfactory progress toward substantial conformity and the interests and well-being of the persons detained or confined therein are protected. The commissioner shall have access to the buildings, grounds, books, records, staff, and to persons detained or confined in these facilities. The commissioner may require the officers in charge of these facilities to furnish all information and statistics the commissioner deems necessary, at a time and place designated by the commissioner. *The commissioner may require that any*

or all such information be provided through the department of corrections detention information system.

(2) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(3) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(4) When the commissioner finds that any facility described in clause (1), except foster care facilities for delinquent children and youth as provided in subdivision 2, does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance, the commissioner shall promptly notify the chief executive officer and the governing board of the facility of the deficiencies and order that they be remedied within a reasonable period of time. The commissioner may by written order restrict the use of any facility which does not substantially conform to minimum standards to prohibit the detention of any person therein for more than 72 hours at one time. When, after due notice and hearing, the commissioner finds that any facility described in this subdivision, except county jails and lockups as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance therewith, the commissioner may issue an order revoking the license of that facility. After revocation of its license, that facility shall not be used until its license is renewed. When the commissioner is satisfied that satisfactory progress towards substantial compliance with minimum standard is being made, the commissioner may, at the request of the appropriate officials of the affected facility supported by a written schedule for compliance, grant an extension of time for a period not to exceed one year.

(5) As used in this subdivision, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed therein by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted, or adjudicated to be guilty or delinquent.

Sec. 30. Minnesota Statutes 1992, section 296.02, subdivision 1a, is amended to read:

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

Sec. 31. Minnesota Statutes 1992, section 296.025, subdivision 1a, is amended to read:

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

Sec. 32. Minnesota Statutes 1992, section 299C.10, is amended to read:

299C.10 [IDENTIFICATION DATA.]

Subdivision 1. [LAW ENFORCEMENT DUTY.] It is hereby made the duty of the sheriffs of the respective counties and of the police officers in cities of the first, second, and third classes, under the direction of the chiefs of police in such cities, to take or cause to be taken immediately finger and thumb prints, photographs, and such other identification data as may be requested or required by the superintendent of the bureau; of all persons arrested for a felony, gross misdemeanor, of all juveniles committing felonies as distinguished from those committed by adult offenders, of all persons reasonably believed by the arresting officer to be fugitives from justice, of all persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines, or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes, and within 24 hours thereafter to forward such fingerprint records and other identification data on such forms and in such manner as may be prescribed by the superintendent of the bureau of criminal apprehension.

Subd. 2. [LAW ENFORCEMENT EDUCATION.] The sheriffs and police officers who take finger and thumb prints must obtain training in the proper methods of taking and transmitting finger prints under this section consistent with bureau requirements.

Subd. 3. [BUREAU DUTY.] The bureau must enter in the criminal records system finger and thumb prints within five working days after they are received under this section.

Sec. 33. [299C.65] [CRIMINAL AND JUVENILE JUSTICE INFORMATION POLICY GROUP.]

Subdivision 1. [ESTABLISHING GROUP.] The criminal and juvenile information policy group consists of the chair of the sentencing guidelines commission, the commissioner of corrections, the commissioner of public safety, and the state court administrator.

The policy group shall study and make recommendations to the governor, the supreme court, and the legislature on:

(1) a framework for integrated criminal justice information systems, including the development and maintenance of a community data model for state, county, and local criminal justice information;

(2) the responsibilities of each entity within the criminal and juvenile justice systems concerning the collection, maintenance, dissemination, and sharing of criminal justice information with one another;

(3) actions necessary to ensure that information maintained in the criminal justice information systems is accurate and up-to-date;

(4) the development of an information system containing criminal justice information on felony-level juvenile offenders that is part of the integrated criminal justice information system framework;

(5) the development of an information system containing criminal justice information on misdemeanor arrests, prosecutions, and convictions that is part of the integrated criminal justice information system framework;

(6) comprehensive training programs and requirements for all individuals in criminal justice agencies to ensure the quality and accuracy of information in those systems;

(7) continuing education requirements for individuals in criminal justice agencies who are responsible for the collection, maintenance, dissemination, and sharing of criminal justice data;

(8) a periodic audit process to ensure the quality and accuracy of information contained in the criminal justice information systems;

(9) the equipment, training, and funding needs of the state and local agencies that participate in the criminal justice information systems;

(10) the impact of integrated criminal justice information systems on individual privacy rights; and

(11) the impact of proposed legislation on the criminal justice system, including any fiscal impact, need for training, changes in information systems, and changes in processes.

Subd. 2. [REPORT.] The policy group shall file an annual report with the governor, supreme court, and legislature by December 1 of each even-numbered year.

The report must make recommendations concerning any legislative changes or appropriations that are needed to ensure that the criminal justice information systems operate accurately and efficiently. To assist them in developing their recommendations, the chair, the commissioners, and the administrator shall appoint a task force consisting of the members of the criminal and juvenile justice information policy group or their designees and the following additional members:

(1) the director of the office of strategic and long-range planning;

(2) two sheriffs recommended by the Minnesota sheriffs association;

(3) two police chiefs recommended by the Minnesota chiefs of police association;

(4) two county attorneys recommended by the Minnesota county attorneys association;

(5) two city attorneys recommended by the Minnesota league of cities;

(6) two public defenders appointed by the board of public defense;

(7) two district judges appointed by the conference of chief judges, one of whom is currently assigned to the juvenile court;

(8) two community corrections administrators recommended by the Minnesota association of counties, one of whom represents a community corrections act county;

- (9) two probation officers;
- (10) two public members, one of whom has been a victim of crime;
- (11) two court administrators;
- (12) two members of the house of representatives appointed by the speaker of the house; and
- (13) two members of the senate appointed by the majority leader.

Subd. 3. [CONTINUING EDUCATION PROGRAM.] The criminal and juvenile information policy group shall explore the feasibility of developing and implementing a continuing education program for state, county, and local criminal justice information agencies. The policy group shall consult with representatives of public and private post-secondary institutions in determining the most effective manner in which the training shall be provided. The policy group shall include recommendations in the 1994 report to the legislature.

Subd. 4. [CRIMINAL CODE NUMBERING SCHEME.] The policy group shall study and make recommendations on a structured numbering scheme for the criminal code to facilitate identification of the offense and the elements of the crime and shall include recommendations in the 1994 report to the legislature.

Sec. 34. [REPEALER.]

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

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; modifying funds; creating a justice information policy group; providing for regulation of certain activities and practices; increasing fees; amending Minnesota Statutes 1992, sections 11A.21, subdivision 1; 161.081; 161.39, by adding a subdivision; 168.345, by adding a subdivision; 169.121, subdivision 7; 169.123, subdivision 5a; 171.02, subdivision 1; 171.06, subdivisions 2 and 4; 171.07, by adding a subdivision; 171.11; 171.12, by adding a subdivision; 171.22, subdivision 1; 171.26; 174.02, by adding a subdivision; 241.021, subdivision 1; 296.02, subdivision 1a; 296.025, subdivision 1a; and 299C.10; Laws 1992, chapter 513, article 3, section 77; proposing coding for new law in Minnesota Statutes, chapter 299C; repealing Minnesota Statutes 1992, sections 171.20, subdivision 1; 296.01, subdivision 4; and 296.026."

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

House Conferees: (Signed) James I. Rice, Carlos Mariani, Andy Steensma, John J. Sarna, Bernard L. "Bernie" Lieder

Senate Conferees: (Signed) Keith Langseth, Paula E. Hanson, Jim Vickerman, Steve Dille, Carol Flynn

Mr. Langseth moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1709 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1709 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Sams moved that H.F. No. 1060 be taken from the table. The motion prevailed.

H.F. No. 1060: A bill for an act relating to agriculture; making technical changes in eligibility for certain rural finance authority loan programs; authorizing an ethanol development program; appropriating money; amending Minnesota Statutes 1992, sections 41B.02, subdivisions 7, 12, 14, 15, and by adding subdivisions; 41B.03, subdivision 3; 41B.04, subdivision 9, and by adding a subdivision; and 41C.05, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 41B.

The question recurred on the Bertram amendment. Mr. Bertram withdrew his amendment.

Mr. Bertram then moved to amend H.F. No. 1060, the unofficial engrossment, as follows:

Page 2, after line 21, insert:

“Sec. 7. Minnesota Statutes 1992, section 41B.02, is amended by adding a subdivision to read:

Subd. 20. [ETHANOL PRODUCTION FACILITY.] “Ethanol production facility” means a facility that ferments, distills, dewateres, or otherwise produces ethanol as defined in section 41A.09, subdivision 2, paragraph (a).”

Page 4, after line 34, insert:

“Sec. 11. [41B.044] [ETHANOL DEVELOPMENT PROGRAM.]

Subdivision 1. [ETHANOL PRODUCTION FACILITY LOAN PROGRAM.] The authority may establish, adopt rules for, and implement an ethanol production facility loan program to provide capital for ethanol

production facilities. The program may provide for secured or unsecured loans, loan participations and loan guarantees with respect to real or personal property comprising all or part of an ethanol production facility, and the payment of costs incurred by the authority to establish and administer the program.

Subd. 2. [ETHANOL DEVELOPMENT FUND.] There is established in the state treasury an ethanol development fund. Interest earned on money in the fund accrues to the fund, and money in the fund is appropriated to the commissioner of agriculture for purposes of the ethanol production facility loan program, including costs incurred by the authority to establish and administer the program.

Subd. 3. [REVENUE BONDS.] The authority may issue revenue bonds to finance the ethanol production facility loan program in accordance with sections 41B.08 to 41B.15, 41B.17, and 41B.18. Bonds may be refunded by the issuance of refunding bonds in the manner authorized by chapter 475.

Subd. 4. [PROGRAM REQUIREMENTS.] The requirements in this subdivision apply to the ethanol production facility loan program.

(a) Individuals, corporations, cooperatives, partnerships, and joint ventures may participate in the program and are not required to meet the eligibility requirements of section 41B.03, subdivision 1.

(b) Program participants may be required to pay reasonable nonrefundable application fees and origination fees established by the authority by rule under section 41B.07. Application and origination fees received by the authority must be deposited in the ethanol development fund.

(c) Total assistance provided to an ethanol production facility from appropriated funds must not exceed \$500,000 or a lesser amount as provided by rules relating to the program.

(d) The interest payable on loans and loan participations made by the authority must, if funded by revenue bond proceeds, be at a rate not less than the rate on the revenue bonds, and may be established at a higher rate necessary to pay costs associated with the issuance of the revenue bonds and a proportionate share of the cost of administering the program. The interest payable on loans and loan participations funded from sources other than revenue bond proceeds must be at a rate determined by the authority.

Sec. 12. Minnesota Statutes 1992, section 41B.14, is amended to read:

41B.14 [REVENUE BONDS; NONLIABILITY OF STATE.]

The state of Minnesota is not liable on bonds of the authority issued under ~~section~~ sections 41B.08 and 41B.044 and those bonds are not a debt of the state. The bonds must contain on their face a statement to that effect."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1060 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 50 and nays 2, as follows:

Those who voted in the affirmative were:

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

Mr. Riveness and Ms. Runbeck voted in the negative.

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

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Mr. Moe, R.D. moved that Joint Rule 2.03 be suspended as it relates to the Conference Committee report on S.F. No. 1407. The motion prevailed.

S.F. No. 1407 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1407

A bill for an act relating to education; appropriating money for education and related purposes to the higher education coordinating board, state board of technical colleges, state board for community colleges, state university board, University of Minnesota, higher education board, and the Mayo medical foundation, with certain conditions; creating an instructional telecommunications network; providing for grants from the higher education coordinating board for regional linkages, regional coordination, courseware development and usage, and faculty training; authorizing the state board of community colleges to use higher education facilities authority revenue bonds to construct student residences; creating three accounts in the permanent university fund and making allocations from the accounts; providing tuition exemptions at technical colleges for Southwest Asia veterans; prescribing changes in eligibility and in duties and responsibilities for certain financial assistance programs; establishing grant programs to promote recruitment and retention initiatives by nurses training and teacher education programs directed toward persons of color; establishing grant programs for nursing students and students in teacher education programs who are persons of color; establishing an education to employment transitions system; amending Minnesota Statutes 1992, sections 136A.101, subdivisions 1 and 7; 136A.121, subdivision 9; 136A.1353, subdivision 4; 136A.1354, subdivision 4; 136A.15, subdivision 6; 136A.1701, subdivision 4; 136A.233, subdivisions 2 and 3; 136C.13, subdivision 4; 136C.61, subdivision 7; and 137.022, subdivision 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 136A; and 137; proposing coding for new law as Minnesota Statutes, chapter 126B;

repealing Minnesota Statutes 1992, sections 136A.121, subdivision 17; and 136A.134.

May 14, 1993

The Honorable Allan H. Spear
President of the Senate

The Honorable Dee Long
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1407, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 1407 be further amended as follows:

Delete everything after the enacting clause and insert:

“ARTICLE 1

APPROPRIATIONS

Section 1. HIGHER EDUCATION APPROPRIATIONS

The sums in the columns marked “APPROPRIATIONS” are appropriated from the general fund, or other named fund, to the agencies and for the purposes specified in this article. The listing of an amount under the figure “1994” or “1995” in this article indicates that the amount is appropriated to be available for the fiscal year ending June 30, 1994, or June 30, 1995, respectively. “The first year” is fiscal year 1994. “The second year” is fiscal year 1995. “The biennium” is fiscal years 1994 and 1995.

SUMMARY BY FUND

	1994	1995	TOTAL
General	\$1,005,181,000	\$1,037,819,000	\$2,043,000,000

SUMMARY BY AGENCY – ALL FUNDS

	1994	1995	TOTAL
Higher Education Coordinating Board			
122,248,000		119,498,000	241,746,000
State Board of Technical Colleges			
165,109,000		170,525,000	335,634,000
State Board for Community Colleges			
95,751,000		104,248,000	199,999,000
State University Board			
175,399,000		179,621,000	355,020,000
Board of Regents of the University of Minnesota			
444,966,000		462,187,000	907,153,000
Mayo Medical Foundation			
808,000		840,000	1,648,000
Higher Education Board			
900,000		900,000	1,800,000

APPROPRIATIONS
 Available for the Year
 Ending June 30
 1994 1995

Sec. 2. HIGHER EDUCATION COORDINATING BOARD

Subdivision 1. Total Appropriation	122,248,000	119,498,000
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The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

Subd. 2. Agency Administration

3,216,000	3,166,000
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The higher education coordinating board, in cooperation with the commissioner of finance and the commissioner of revenue, shall determine if there is an economically feasible way to encourage families to save money for their children's education. Particular effort shall be directed at the education savings plans contained in S.F. No. 468 and S.F. No. 1346 to determine if the tax revenue losses predicted in the fiscal notes are accurate, and if the benefits to an individual and the state are of greater value than the state's lost revenues. The higher education coordinating board shall report its findings to the governor and the education and tax committees of the legislature before September 15, 1993. The report shall include specific options for financing the recommendations, any necessary tax form and instruction changes, and any other information necessary for the proposals to be enacted into law.

The higher education coordinating board shall examine the feasibility of reducing the minimum amount a student can borrow under the SELF program, and allowing SELF recipients who return to school during their repayment phase to reenter the in-school phase of payments. The board may change the SELF loan requirements based on the results of the examination.

This appropriation includes money to provide technical advice and other support for child care innovation at eligible institutions, and to review biennial plans submitted by institutions. Plans must include strategies to supplement state money with community resources.

Subd. 3. State Grants

101,950,000 97,950,000

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

The legislature intends that the higher education coordinating board make full grant awards in each year of the biennium.

This appropriation contains money for increasing living allowances for state grants to \$4,115 each year.

Beginning in the 1994-1995 academic year, the legislature intends to adopt the private college cap of \$6,814 recommended by the higher education coordinating board and the department of finance, pending alternative recommendations of the financial aid task force.

The higher education coordinating board shall meet with the nursing community in order to evaluate consolidating all nursing grant programs administered by the state, and report its findings to the legislature by February 1, 1994.

This appropriation includes \$250,000 each year for grants to nursing programs to recruit persons of color and to provide grants to nursing students who are persons of color. Of this amount, \$100,000 each year is for recruitment and retention of students of color in nursing programs leading to licensure as a registered nurse. Other than the grants to students, all grants shall be matched with at least the same amount from grantee sources or nonstate money.

This appropriation includes money to begin postservice benefit accounts for the youthworks program. By October 1, 1993, the higher education coordinating board, in consultation with the youthworks task force, shall design a plan to administer the postservice benefit accounts of the youthworks program. The plan shall include strategies to augment the appropriation by maximizing federal and other nonstate money. The board shall report the plan to the education commit-

tees of the legislature by October 1, 1993. In the event that federal money becomes available for post-secondary initiatives involving community service, the board may use this money for any state contribution required.

Subd. 4. Interstate Tuition Reciprocity

5,050,000 5,050,000

If the appropriation in this subdivision for either year is insufficient, the appropriation for the other year is available to meet reciprocity contract obligations.

The higher education coordinating board is authorized to enter into a reciprocity agreement with the province of Ontario.

By February 1, 1994, the higher education coordinating board and the department of finance shall jointly report on the fiscal and policy implications of tuition reciprocity agreements to the higher education finance divisions. The report shall examine the costs to the state, the effects on Minnesota public post-secondary systems and campuses, enrollment patterns of Minnesota students in reciprocity states, and the enrollment patterns of reciprocity students in Minnesota institutions. The public post-secondary systems shall be consulted throughout the study.

Subd. 5. State Work Study

8,219,000 8,219,000

Increases in the appropriation for the state work-study program shall be used, to the extent possible, for campus work that is relevant to a student's academic program or that otherwise provides a meaningful academic experience, or for public service work in the community.

Subd. 6. Minitex Library Program

2,063,000 2,063,000

Subd. 7. Telecommunications

1,750,000 3,050,000

(1) \$642,000 the first year and \$1,028,000 the second year is for the purposes of article 5, section 2.

(2) \$758,000 the first year and \$1,322,000 the second year is for grants for regional linkages in article 5, section 3.

(3) \$350,000 the first year and \$700,000 the second year is for grants for regional coordination in article 5, section 4.

The appropriations in this subdivision may be transferred among the clauses and between fiscal years.

Subd. 8. Income Contingent Loans

The higher education coordinating board shall administer an income contingent loan repayment program to assist graduates of Minnesota schools in medicine, dentistry, pharmacy, chiropractic medicine, public health, and veterinary medicine, and Minnesota residents graduating from optometry and osteopathy programs. Applicant data collected by the higher education coordinating board for this program may be disclosed to a consumer credit reporting agency under the same conditions as apply to the supplemental loan program under Minnesota Statutes, section 136A.162.

Subd. 9. Balances Forward

An unencumbered balance in the first year under a subdivision in this section does not cancel but is available for the second year.

Subd. 10. Transfers

The higher education coordinating board may transfer unencumbered balances from the appropriations in this section to the state grant appropriation and the interstate tuition reciprocity appropriation.

Sec. 3. STATE BOARD OF TECHNICAL COLLEGES

Subdivision 1. Total Appropriation

165,109,000

170,525,000

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

Subd. 2. Instructional Expenditures

The legislature estimates that instructional expenditures will be \$225,758,000

the first year and \$234,386,000 the second year.

The technical colleges and community colleges shall ensure that a participating business or agency compensates for as much of the cost of the customized training services as possible, in the form of money or in-kind contributions. The state's share shall not exceed 50 percent of the systemwide costs of these services.

The state board of technical colleges is requested to continue its policy of assisting students who are refugees.

Subd. 3. Noninstructional Expenditures

The legislature estimates that noninstructional expenditures will be \$1,647,000 the first year and \$1,606,000 the second year.

\$462,000 the first year and \$421,000 the second year are for debt service payments to school districts for technical college buildings financed with district bonds issued before January 1, 1979.

\$150,000 each year is for southwest Asia veterans tuition relief.

Subd. 4. State Council on Vocational Technical Education

This appropriation includes funding for the state council on vocational education.

Sec. 4. STATE BOARD FOR COMMUNITY COLLEGES

Subdivision 1. Total Appropriation

95,751,000	104,248,000
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The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

Subd. 2. Instructional Expenditures

The legislature estimates that instructional expenditures will be \$129,095,000 the first year and \$141,698,000 the second year.

\$134,000 each year is for administrative and instructional support at the Anoka-Ramsey Community College extension center in Cambridge. The legislature intends that Cambridge continue to be op-

erated as an extension center and not be developed into an independent college.

Subd. 3. Noninstructional Expenditures

The legislature estimates that noninstructional expenditures will be \$22,229,000 each year.

Sec. 5. STATE UNIVERSITY BOARD

Subdivision 1. Total Appropriation	175,399,000	179,621,000
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The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

Subd. 2. Instructional Expenditures

The legislature estimates that instructional expenditures will be \$241,285,000 the first year and \$247,587,000 the second year.

Notwithstanding Minnesota Statutes, section 136.09, subdivision 3, during the biennium neither the state university board nor the state university campuses shall plan or develop doctoral level programs or degrees until after they have received the recommendation of the house and senate committees on education, finance, and ways and means.

The state university board shall review the internal allocation formula used to distribute appropriations to its campuses. The legislature anticipates that the board will provide funding consistent with its overall appropriation to the Winona State University campus for the unique costs associated with upper division offerings at the Rochester center. Winona State University, in cooperation with Rochester Community College and the University of Minnesota, shall develop and implement a plan to reduce the duplication and cost of administrative and student services at the Rochester center. All savings that result from implementing the plan may be retained by the three systems in proportion to the amount that each saved, and shall be redirected to improving programs, acquiring better equipment, and improving the retention and graduation rates.

Subd. 3. Noninstructional Expenditures

The legislature estimates that noninstructional expenditures will be \$26,654,000 each year.

Sec. 6. BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA

Subdivision 1. Total Appropriation	444,966,000	462,187,000
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The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

Subd. 2. Operations and Maintenance	362,119,000	375,980,000
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(a) Instructional Expenditures

The legislature estimates that instructional expenditures will be \$385,040,000 the first year and \$405,863,000 the second year.

(b) Noninstructional Expenditures

The legislature estimates that noninstructional expenditures will be \$115,289,000 each year.

Subd. 3. Special Appropriation	82,847,000	86,207,000
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The amounts expended for each program in the four categories of special appropriations shall be separately identified in the 1995 biennial budget document.

(a) Agriculture and Extension Service

44,247,000	45,997,000
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This appropriation is for the Agricultural Experiment Station and Minnesota Extension Service.

Any salary increases granted by the university to personnel paid from the Minnesota Extension appropriation must not result in a reduction of the county portion of the salary payments.

During the biennium, the university shall maintain an advisory council system for each experiment station. The advisory councils must be broadly representative of range of size and income distribution of farms and agribusinesses and must not disproportionately represent those from the upper half of the size and income distributions.

(b) Health Sciences

16,758,000	17,458,000
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This appropriation is for Indigent Patients (County Papers), Rural Physicians Associates Program, Medical Research, Special Hospitals Service and Educational Offset, the Veterinary Diagnostic Laboratory, Institute for Human Genetics, and the Biomedical Engineering Center.

(c) Institute of Technology

2,911,000 3,021,000

This appropriation is for the Geological Survey, Underground Space Center, Talented Youth Mathematics Program, Microelectronics and Information Science Center, and the Productivity Center.

(d) System Specials

18,931,000 19,731,000

This appropriation is for Fellowships for Minority and Disadvantaged Students, General Research, Intercollegiate Athletics, Student Loans Matching Money, Industrial Relations Education, Natural Resources Research Institute, Sea Grant College Program, Biological Process Technology Institute, Supercomputer Institute, Center for Urban and Regional Affairs, Museum of Natural History, and the Humphrey Exhibit.

This appropriation includes money to improve the programs and resources available to women and to ensure that campuses are in compliance with Title IX of the Education Amendments of 1972 and Minnesota Statutes, section 126.21. Of this appropriation, no less than the following amounts must be allocated to each campus:

Duluth	\$551,600	\$551,600
Morris	\$ 66,100	\$ 66,100
Crookston	\$ 65,000	\$ 65,000

Prior to selling its shares in the supercomputer center, the board of regents shall present its plan for the sale and for meeting its supercomputing needs to the higher education finance divisions. To the extent possible, the plan must ensure that the university receives a reasonable value for the public investment in the center.

Sec. 7. MAYO MEDICAL FOUNDATION

Subdivision 1. Total Appropriation	808,000	840,000
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The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

Subd. 2. Medical School

504,000	493,000
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The state of Minnesota shall pay a capitation of \$9,882 in the first year and \$10,270 in the second year for each student who is a resident of Minnesota. The appropriation may be transferred between years of the biennium to accommodate enrollment fluctuations.

The legislature intends that during the biennium the Mayo foundation use the capitation money to increase the number of doctors practicing in rural areas in need of doctors.

Subd. 3. Family Practice and Graduate Residency Program

304,000	347,000
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The state of Minnesota provides a capitation of \$15,222 the first year and \$15,780 the second year for each student.

Sec. 8. HIGHER EDUCATION BOARD	900,000	900,000
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Subdivision 1. Appropriations; Availability

The appropriation in fiscal year 1993 for the operation of the higher education board shall not cancel, but shall be available for fiscal year 1994.

Any unexpended balance remaining in the first year shall not cancel, but is available for the second year.

Subd. 2. Student Members

By July 1, 1993, the governor shall appoint one student from the state university system, one student from the community college system, and one student from the technical college system to the higher education board. The terms of the appointments shall expire June 30, 1995.

Subd. 3. Personnel

The legislature intends that the higher education board, during the biennium,

rely on the expertise of personnel in the existing post-secondary systems, and elsewhere in state government to the extent possible.

Subd. 4. Task Forces; Working Groups

During the biennium, the board must include a representative of faculty and a representative of students on all task forces or working groups it establishes.

Sec. 9. POST-SECONDARY SYSTEMS

Subdivision 1. Library and equipment expenditures

In each year of the biennium, each post-secondary system shall spend no less on libraries and instructional equipment than in the previous biennium.

Subd. 2. Importance of Teaching

The legislature recognizes the importance of each faculty member's contributions in the classroom, and is aware of the profound effect a quality teacher has on a student's learning. The legislature encourages each board to place greater emphasis on the teaching mission at each campus.

Subd. 3. Educational Enhancements

The legislature provided full funding for each post-secondary system, using the formula contained in Minnesota Statutes, section 135A.03. The appropriation to each post-secondary governing board includes funding to enhance the quality of education in that system without placing an undue burden on students through large tuition increases. The legislature anticipates that any revenue raised from tuition increases greater than three percent of the previous year's tuition level must be used for educational enhancements.

Educational enhancements include:

(1) system initiatives to improve quality, namely, access to excellence, Q-7, student success, and campaign 2001. The legislature supports their continuation and refinement;

(2) legislative initiatives to improve quality including, but not limited to, enhance-

ments in libraries, instructional equipment, and technology; faculty training in telecommunication instruction; development and use of courses to be delivered via telecommunication; availability and size of classes; student services; facilities; curriculum or teaching innovations; mechanisms to improve retention and timely graduation; and career information or counseling to students including information on opportunities and prospects for employment; and

(3) pilot projects to test the use of different types of performance indicators to measure educational quality. Up to two campuses in each system may be designated as pilots by the task force on post-secondary funding according to the recommendations of each chancellor. Pilots shall begin in the 1993-1994 academic year and continue into the following year. Campuses must internally reallocate money to at least match new state money for this purpose.

By January 15, 1995, each system must provide a succinct report in the 1995 biennial budget document on the results achieved through its investment in educational enhancements.

Subd. 4. Post-Secondary Enrollment Options

The higher education advisory council shall examine costs and funding of students enrolled in post-secondary enrollment options courses offered by agreement between a college and a school district. The higher education advisory council shall submit recommendations to the higher education financial divisions on fair and fiscally prudent funding for these students by February 1, 1994.

Subd. 5. Title IX

Each campus with a men's varsity level hockey team and women's club level hockey shall analyze the campus responsibility for Title IX equity as it applies to this situation and shall report to the education committees by January 15, 1994.

Subd. 6. POST Board

Beginning in fiscal year 1996, money for law enforcement education that is currently provided through the POST board shall be provided through general fund appropriations to be calculated at the same initial base as the previous POST funding, except that the base adjustment for the community colleges shall be \$290,000. The legislature intends that penalty surcharge dollars under Minnesota Statutes, section 626.861, subdivision 1, shall continue to be appropriated to the POST account for other lawful purposes.

Subd. 7. Funding Mechanisms

For purposes of determining system budgets and appropriations for 1996-1997, the legislature intends to adopt new funding mechanisms in 1994.

Subd. 8. Post-secondary Appropriations for Fiscal Years 1996 and 1997

Notwithstanding any other section of Minnesota Statutes to the contrary, general fund appropriations for the University of Minnesota, the higher education board, the higher education coordinating board, and Mayo medical shall be \$2,040,000,000 for the biennium beginning July 1, 1995. Unless otherwise recommended by the future funding task force, this amount shall be allocated in equal amounts each year among these entities in proportion to their fiscal year 1995 appropriations or the fiscal year 1995 appropriations of the systems that comprise them.

The commissioner of finance shall calculate the base budget for these entities according to Minnesota Statutes, chapter 135A. If any adjustments to the base calculations are necessary in order to arrive at an appropriation of \$2,040,000,000, the commissioner shall provide clear information in the 1996-1997 biennial budget document showing those adjustments.

Sec. 10. [EFFECTIVE DATE.]

Section 2, subdivision 3, is effective the day following final enactment.

ARTICLE 2

HECB AND FINANCIAL AID

Section 1. Minnesota Statutes 1992, section 136A.02, subdivision 5, is amended to read:

Subd. 5. [ADVISORY GROUPS.] The board may appoint advisory task forces to assist it in the study of higher education within the state or in the administration of federal programs. The task forces expire and the terms, compensation, and removal of members are as provided in section 15.059, except that the task force established under section 135A.05 and the advisory councils established under subdivisions 6 and 7 expire June 30, 1993.

Sec. 2. Minnesota Statutes 1992, section 136A.02, subdivision 6, is amended to read:

Subd. 6. [HIGHER EDUCATION ADVISORY COUNCIL.] A higher education advisory council is established. The council is composed of the president of the University of Minnesota, the chancellor of the state universities, the chancellor of the community colleges, the chancellor of ~~vocational~~ *the technical education colleges*, the commissioner of education, the president of the private college council, and a representative from the Minnesota association of private post-secondary schools. The advisory council shall (1) bring to the attention of the board any matters that the council deems necessary, (2) make appropriate recommendations, (3) review and comment upon proposals and other matters before the board, and (4) provide other assistance to the board. The board shall periodically inform the council of matters under consideration by the board. The board shall refer all proposals to the council before submitting recommendations to the governor and the legislature. The board shall provide time for a report from the advisory council at each meeting of the board.

The council shall report to the board at least quarterly. The council shall determine its meeting times, but it shall also meet within 30 days after a request by the executive director of the board. The council expires June 30, 1993 1995.

Sec. 3. Minnesota Statutes 1992, section 136A.02, subdivision 7, is amended to read:

Subd. 7. [STUDENT ADVISORY COUNCIL.] A student advisory council to the board is established. The members of the council shall include the chair of the University of Minnesota university student senate, the state chair of the Minnesota state university student association, the president of the Minnesota community college student association, the president of the Minnesota ~~vocational~~ *technical college* student association, the president of the Minnesota association of private college students, and a student who is enrolled in a private vocational school registered under this chapter, to be appointed by the Minnesota association of private post-secondary schools. A member may be represented by a designee.

The advisory council shall:

- (1) bring to the attention of the board any matter that the council believes needs the attention of the board;
- (2) make recommendations to the board as the council deems appropriate;

- (3) review and comment upon proposals and other matters before the board;
- (4) appoint student members to board advisory groups as provided in subdivision 5a;
- (5) provide any reasonable assistance to the board; and
- (6) select one of its members to serve as chair. The board shall inform the council of all matters under consideration by the board and shall refer all proposals to the council before the board acts or sends the proposals to the governor or the legislature. The board shall provide time for a report from the advisory council at each meeting of the board.

The student advisory council shall report to the board quarterly and at other times that the council considers desirable. The council shall determine its meeting time, but the council shall also meet with the executive director of the board within 30 days after the director's request for a council meeting. The student advisory council shall meet quarterly with the higher education advisory council and the board executive committee. The council expires June 30, 1993 1995.

Sec. 4. Minnesota Statutes 1992, section 136A.0411, is amended to read:
136A.0411 [COLLECTING FEES.]

The board may charge fees for seminars, conferences, workshops, services, and materials. *The board may collect fees for registration and licensure of private institutions under sections 136A.61 to 136A.71 and chapter 141.* The money is annually appropriated to the board.

Sec. 5. Minnesota Statutes 1992, section 136A.08, subdivision 2, is amended to read:

Subd. 2. [AUTHORIZATION.] The Minnesota higher education coordinating board, *in consultation with the commissioner of finance and each affected public post-secondary board*, may enter into agreements, on subjects that include remission of nonresident tuition for designated categories of students at public post-secondary institutions, with appropriate state or provincial agencies and public post-secondary institutions in other states or provinces. The agreements shall be for the purpose of the mutual improvement of educational advantages for residents of this state and other states or provinces with whom agreements are made.

Sec. 6. Minnesota Statutes 1992, section 136A.08, subdivision 6, is amended to read:

Subd. 6. [APPROVAL.] An agreement made by the board under this section is not valid as to a particular institution without the approval of that institution's state or provincial governing board. A valid agreement under this subdivision that incurs additional financial liability to the state *or to any of the Minnesota public post-secondary boards*, beyond enrollment funding adjustments, must be submitted *to the commissioner of finance and to the chairs of the higher education finance divisions of the senate finance and house appropriations committees* for review. The agreement remains valid unless it is disapproved in law.

Sec. 7. Minnesota Statutes 1992, section 136A.101, subdivision 1, is amended to read:

Subdivision 1. For purposes of sections 136A.095 to ~~136A.134~~ 136A.132, the terms defined in this section have the meanings ascribed to them.

Sec. 8. Minnesota Statutes 1992, section 136A.101, subdivision 7, is amended to read:

Subd. 7. ~~Until June 30, 1993, "student" means a person who is enrolled at least half time in a program or course of study that applies to a degree, diploma, or certificate, except that for purposes of section 136A.132, student may include a person enrolled for at least three credits per quarter or semester, or the equivalent, but less than half time.~~

~~Beginning July 1, 1993, "Student" means a person who is enrolled for at least three credits per quarter or semester, or the equivalent, in a program or course of study that applies to a degree, diploma, or certificate. Credit equivalencies assigned by an institution that are applicable to federal Pell grant calculations shall be counted as part of a student's credit load.~~

Sec. 9. Minnesota Statutes 1992, section 136A.121, subdivision 6, is amended to read:

Subd. 6. [COST OF ATTENDANCE.] (a) The cost of attendance consists of allowances specified by the board for room and board and miscellaneous expenses, and

(1) for public institutions, tuition and fees charged by the institution; or

(2) for private institutions, an allowance for tuition and fees equal to the lesser of the actual tuition and fees charged by the institution, or the instructional costs per full-year equivalent student in comparable public institutions.

(b) *For the purpose of paragraph (a), clause (2), "comparable public institutions" to both two- and four-year, private, residential, liberal arts, degree-granting colleges and universities must be the same.*

(c) For a student attending less than full time, the board shall prorate the cost of attendance to the actual number of credits for which the student is enrolled.

Sec. 10. Minnesota Statutes 1992, section 136A.121, subdivision 9, is amended to read:

Subd. 9. [INITIAL AWARDS.] An undergraduate student ~~who has not previously received a grant and who meets the board's requirements is eligible to apply for and receive an initial a grant in any year of undergraduate study unless the student has obtained a baccalaureate degree or previously has been enrolled full time or the equivalent for eight semesters or 12 quarters.~~

Sec. 11. [136A.122] [AKITA GRANTS.]

The higher education coordinating board may provide grants to Minnesota resident students participating in the Akita program. Grants must be awarded on the same basis as other state grants, except that the cost of attendance must be adjusted to incorporate the state university tuition level and the Akita fee level. An individual grant must not exceed the state grant maximum award for a student at a four-year private college.

Sec. 12. Minnesota Statutes 1992, section 136A.1353, subdivision 4, is amended to read:

Subd. 4. [RESPONSIBILITIES OF THE HIGHER EDUCATION COORDINATING BOARD.] The higher education coordinating board shall distribute funds each year to the schools, colleges, or programs of nursing applying to participate in the nursing grant program based on the last academic year's enrollment of students in educational programs that would lead to licensure as a registered nurse. Money not used by a recipient nursing program must be returned to the higher education coordinating board for redistribution under this section. The board shall establish an application process for interested schools, colleges, or programs of nursing. ~~Initial applications are due by January 1 of each year. By June 30 of each year, the board shall notify each applicant school, college, or program of nursing of its approximate allocation of funds in order to allow the school, college, or program to determine the number of students that can be supported by the allocation. The board shall distribute funds to the schools, colleges, or programs of nursing by August 1 of each year. Interested schools, colleges, or programs of nursing education must complete and return the annual participation request form provided by the board.~~

Sec. 13. Minnesota Statutes 1992, section 136A.1354, subdivision 4, is amended to read:

Subd. 4. [RESPONSIBILITIES OF THE HIGHER EDUCATION COORDINATING BOARD.] The higher education coordinating board shall distribute funds each year to the schools or colleges of nursing, or programs of advanced nursing education, applying to participate in the nursing grant program based on the last academic year's enrollment of registered nurses in schools or colleges of nursing, or programs of advanced nursing education. Money not used by a recipient nursing program must be returned to the higher education coordinating board for redistribution under this section. The board shall establish an application process for interested schools or colleges of nursing, or programs of advanced nursing education. ~~Initial applications are due by January 1 of each year. By June 30 of each year, the board shall notify each applicant school or college of nursing, or program of advanced nursing education, of its approximate allocation of money to allow the school, college, or program to determine the number of students that can be supported by the allocation. The board shall distribute money to the schools or colleges of nursing, or programs of advanced nursing education, by August 1 of each year. Interested schools, colleges, or programs of advanced nursing education must complete and return the annual participation request form provided by the board.~~

Sec. 14. [136A.1358] [GRANTS FOR NURSING STUDENTS WHO ARE PERSONS OF COLOR.]

Subdivision 1. [ESTABLISHMENT.] A nursing grant program is established under the authority of the higher education coordinating board to provide grants to students who are persons of color who are entering or enrolled in an educational program that leads to licensure as a registered nurse.

Subd. 2. [ELIGIBILITY.] To be eligible to receive a grant, a student shall be:

- (1) a citizen of the United States;*
- (2) a resident of the state of Minnesota;*

(3) *an Asian Pacific-American, African-American, American Indian, or Hispanic-American (Latino, Chicano, or Puerto Rican);*

(4) *entering or enrolled in a nursing program in Minnesota that leads to licensure as a registered nurse; and*

(5) *eligible under any additional criteria established by the school, college, or program of nursing in which the student is enrolled. Students applying for a grant must be willing to practice in Minnesota for at least three years following licensure.*

The grant must be awarded for one academic year but is renewable for a maximum of six semesters or nine quarters of full-time study, or their equivalent.

Subd. 3. [RESPONSIBILITY OF NURSING PROGRAMS.] *Each school, college, or program of nursing that wishes to participate in the student nursing grant program shall apply to the higher education coordinating board for grant money, according to policies established by the board. A school, college, or program of nursing shall establish criteria to use in awarding the grants. The criteria must include consideration of the likelihood of a student's success in completing the nursing educational program and must give priority to students with the greatest financial need. Grants must be \$2,500 per year. Each school, college, or program of nursing shall agree that the money awarded through this grant program must not be used to replace any other grant or scholarship money for which the student would be otherwise eligible.*

Subd. 4. [RESPONSIBILITIES OF THE HIGHER EDUCATION COORDINATING BOARD.] *The higher education coordinating board shall distribute money each year to Minnesota schools, colleges, or programs of nursing that lead to licensure as a registered nurse. Money not used by a recipient nursing program must be returned to the higher education coordinating board for redistribution under this section. The board shall establish an application process for interested schools, colleges, or programs of nursing.*

Sec. 15. Minnesota Statutes 1992, section 136A.1701, subdivision 4, is amended to read:

Subd. 4. [TERMS AND CONDITIONS OF LOANS.] *The board may loan money upon such terms and conditions as the board may prescribe. The principal amount of a loan to an undergraduate student for a single academic year ~~may~~ shall not exceed ~~\$4,000~~ \$6,000. The aggregate principal amount of all loans made under this section to an undergraduate student ~~may~~ shall not exceed ~~\$16,000~~ \$25,000. The principal amount of a loan to a graduate student for a single academic year shall not exceed ~~\$6,000~~ \$9,000. The aggregate principal amount of all loans made under this section to a student as a graduate student shall not exceed ~~\$25,000~~ \$40,000.*

Sec. 16. Minnesota Statutes 1992, section 136A.1701, is amended by adding a subdivision to read:

Subd. 9a. *The board shall develop an appeals process for recipients of loans made under this section who believe there is an unresolved error in the servicing of the loan. The board shall provide recipients with a description of the appeals process.*

Sec. 17. Minnesota Statutes 1992, section 136A.233, is amended to read:

136A.233 [WORK-STUDY GRANTS.]

Subdivision 1. [ALLOCATION TO INSTITUTIONS.] The higher education coordinating board ~~may offer shall allocate~~ work-study grants money to eligible post-secondary institutions according to the resident full-time equivalent enrollment of all eligible post-secondary institutions that apply to participate in the program. ~~The board shall seek to equalize work-study job opportunities by also taking into account student employment needs at eligible institutions.~~ Each institution wishing to ~~receive a participate in the~~ work-study grant ~~shall program must submit to the board,~~ in accordance with policies and procedures established by the board, an estimate of the amount of funds needed by the institution. ~~The amount allocated to any institution shall not exceed the estimate of need submitted by the institution.~~ Any funds which would be allocated to an institution according to full-time equivalent enrollment but which ~~that exceed the estimate of need by the institution or the actual~~ need of the institution may be reallocated by the board to other institutions ~~for which the estimate of need exceeds the amount of allocation according to enrollment.~~ The institution must not receive less than it would have received under the allocation formula used before fiscal year 1988. No more than one-half of any increase in appropriations, attributable to this section, above the level before fiscal year 1988 may be allocated on the basis of identified student employment needs at eligible institutions.

Subd. 2. [DEFINITIONS.] For purposes of sections 136A.231 to 136A.234 136A.233, the words defined in this subdivision have the meanings ascribed to them.

(a) "Eligible student" means a Minnesota resident enrolled or intending to enroll ~~full time at least half time as defined in section 136A.101, subdivision 7b,~~ in a degree, diploma, or certificate program in a Minnesota post-secondary institution.

(b) "Minnesota resident" means a student who meets the conditions in section 136A.101, subdivision 8.

(c) "Financial need" means the need for financial assistance in order to attend a post-secondary institution as determined by a post-secondary institution according to guidelines established by the higher education coordinating board.

(d) "Eligible employer" means any eligible post-secondary institution and any nonprofit, nonsectarian agency or state institution located in the state of Minnesota, including state hospitals, and also includes a handicapped person or a person over 65 who employs a student to provide personal services in or about the residence of the handicapped person or the person over 65.

(e) "Eligible post-secondary institution" means any post-secondary institution eligible for participation in the Minnesota state grant program as specified in section 136A.101, subdivision 4.

(f) "Independent student" has the meaning given it in the Higher Education Act of 1965, United States Code, title 20, section 1070a-6, and applicable regulations.

Subd. 3. [PAYMENTS.] Work-study payments shall be made to eligible students by post-secondary institutions as provided in this subdivision.

(a) Students shall be selected for participation in the program by the post-secondary institution on the basis of student financial need.

(b) ~~No eligible student shall be employed under the state work-study program while not a full-time student; provided, with the approval of the institution, a full-time student who becomes a part-time student during an academic year may continue to be employed under the state work-study program for the remainder of the academic year. In selecting students for participation, priority must be given to students enrolled for at least 12 credits.~~

(c) Students will be paid for hours actually worked and the maximum hourly rate of pay shall not exceed the maximum hourly rate of pay permitted under the federal college work-study program.

(d) Minimum pay rates will be determined by an applicable federal or state law.

(e) ~~An eligible employer shall pay at least 30 percent of the student's compensation. The board shall annually establish a minimum percentage rate of student compensation to be paid by an eligible employer.~~

(f) Each post-secondary institution receiving money for state work-study grants shall make a reasonable effort to place work-study students in employment with eligible employers outside the institution. *However, a public employer other than the institution may not terminate, lay-off, or reduce the working hours of a permanent employee for the purpose of hiring a work-study student, or replace a permanent employee who is on layoff from the same or substantially the same job by hiring a work-study student.*

(g) The percent of the institution's work-study allocation provided to graduate students shall not exceed the percent of graduate student enrollment at the participating institution.

Sec. 18. Minnesota Statutes 1992, section 136A.653, subdivision 1, is amended to read:

Subdivision 1. A school ~~which does not grant a degree and which that~~ is subject to licensing by the state board of education pursuant to ~~under~~ chapter 141, is exempt from the provisions of sections 136A.61 to 136A.71. The determination of the ~~commissioner of education board~~ as to whether a particular school is subject to regulation under chapter 141 is final for the purposes of this exemption.

Sec. 19. Minnesota Statutes 1992, section 136A.69, is amended to read:

136A.69 [FEES.]

The board may collect reasonable registration fees not to exceed \$400 ~~\$450~~ for an initial registration of each school and \$250 ~~\$350~~ for each annual renewal of an existing registration.

Sec. 20. Minnesota Statutes 1992, section 136A.87, is amended to read:

136A.87 [ASPECTS OF THE PROGRAM PLANNING INFORMATION.]

Subdivision 1. ~~[ASSESSMENT INSTRUMENTS AND QUESTIONNAIRES.]~~ The program shall provide for administration of education and career assessment instruments and questionnaires to residents in grades 8 through 12, and to adults. The board shall determine the instruments and questionnaires that are appropriate to serve the purposes of sections 136A.85 to 136A.88.

Subd. 2. ~~[HIGH SCHOOL ASSESSMENTS.]~~ The program shall provide for administration of educational measurement instruments and questionnaires to high school students before their senior year. At least the following may be included:

- (1) an aptitude assessment for students anticipating entry to collegiate programs;
- (2) an inventory of interests, career directions, background information, and education plans; and
- (3) a preliminary mathematics placement test to aid in future course selections, and, as determined appropriate by the board, preliminary placement tests in other subjects.

Subd. 3. ~~[PROVIDING INFORMATION.]~~ The board shall make available to all residents from 8th grade through adulthood information about planning and preparing for post-secondary opportunities. Information must be provided to all 8th grade students and their parents by January 1 of each year about the need to plan for their post-secondary education. The board may also provide information to high school students and their parents, to adults, and to out-of-school youth. The information provided may include the following:

- (1) the need to start planning early;
- (2) the availability of assistance in educational planning from educational institutions and other organizations;
- (3) suggestions for studying effectively during high school;
- (4) high school courses necessary to be adequately prepared for post-secondary education;
- (5) encouragement to involve parents actively in planning for all phases of education;
- (6) information about post-high school education and training opportunities existing in the state, their respective missions and expectations for students, their preparation requirements, admission requirements, and student placement;
- (7) ways to evaluate and select post-secondary institutions;
- (8) the process of transferring credits among Minnesota post-secondary institutions and systems;
- (9) the costs of post-secondary education and the availability of financial assistance in meeting these costs;
- (10) the interrelationship of assistance from student financial aid, public assistance, and job training programs; and
- (11) financial planning for education beyond high school.

Subd. 4. ~~[DATA BASE.]~~ A data base of information from the program's assessments and services shall be maintained to:

- (1) provide individual reports of results to the students, high schools in which students are enrolled, and, if authorized by the students, post-secondary educational institutions; and

(2) provide annual statewide summary reports of results to high schools, post-secondary institutions, the department of education, the chairs of the education, higher education, appropriations and finance committees of the legislature, and the governor.

Subd. 5. [COORDINATION.] The board shall coordinate efforts and develop additional methods of providing information, guidance, and testing services to out-of-school youth and adults.

Sec. 21. Minnesota Statutes 1992, section 141.25, subdivision 8, is amended to read:

Subd. 8. [FEES AND TERMS OF LICENSE.] (a) Applications for initial license under sections 141.21 to 141.36 shall be accompanied by ~~\$560~~ \$650 as a nonrefundable application fee.

(b) All licenses shall expire ~~on December 31 of each year~~ *one year from the date issued by the board*. Each renewal application shall be accompanied by a nonrefundable renewal fee of ~~\$430~~ \$650.

(c) Application for renewal of license shall be made ~~on or before October 1 of each calendar year~~ *at least 30 days before the expiration of the school's current license*. Each renewal form shall be supplied by the board. It shall not be necessary for an applicant to supply all information required in the initial application at the time of renewal unless requested by the board.

Sec. 22. Minnesota Statutes 1992, section 141.26, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED.] A solicitor representing a school must obtain a solicitor's permit from the board before soliciting students to enroll in such school. Such permit shall expire ~~on December 31~~ *one year* following the date of issuance. Application for renewal of permit shall be made ~~on or before November 15 of each calendar year~~ *annually*.

Sec. 23. Minnesota Statutes 1992, section 141.26, subdivision 5, is amended to read:

Subd. 5. [FEE.] The initial and renewal application for each permit shall be accompanied by a nonrefundable fee of ~~\$240~~ \$250.

Sec. 24. [FINANCIAL AID TASK FORCE.]

Subdivision 1. [PURPOSE.] A task force is established to study and make recommendations on Minnesota's system of financial aid, focusing particularly on the state grant program. The purpose of the task force is to evaluate state financial aid policy, examine alternative policies, and recommend changes to the legislature. The task force shall consider current resource constraints among other factors.

Subd. 2. [MEMBERSHIP.] The speaker of the house and the subcommittee on committees of the committee on rules and administration of the senate shall each appoint four members, including representatives of public and private post-secondary systems and campuses. The governor shall appoint two public members and two students, at least one of whom must be a public college student.

Subd. 3. [SUPPORT.] The higher education coordinating board shall provide technical and clerical support to the task force as determined by the

task force. The task force, through the board, may contract for consulting services, but is not subject to the provisions of Minnesota Statutes, chapter 16B.

Subd. 4. [CONTENT OF STUDY.] The task force shall consider whether Minnesota's financial aid program, as it operates in conjunction with the federal Pell grant program, is meeting the state goal of removing economic barriers to education for economically disadvantaged citizens of the state. The task force shall further consider whether the state program needs to be made more progressive and, if so, whether this should be accomplished through adjustments to the shared responsibility policy or adoption of a new policy. The study additionally shall consider the advantages and disadvantages of linking the state grant program to federal policies and programs. The task force also shall consider effective ways to integrate grants, loans, work-study, and other aid to create aid packages for students and to deliver different types of aid to students with different needs. Finally, the task force shall consider efficient ways to deliver aid to students, including more rapid decentralization to the campus level.

Subd. 5. [REPORT.] The task force shall report its findings and recommendations to the education committees of the legislature by February 1, 1994. The task force shall expire on June 30, 1994.

Sec. 25. [GRANTS TO NURSING PROGRAMS FOR PERSONS OF COLOR.]

Subdivision 1. [ESTABLISHMENT.] A pilot grant program is established under the authority of the higher education coordinating board to provide grants to Minnesota schools, colleges, and other institutions that offer programs of nursing, to fund initiatives designed to ensure the recruitment and retention of nursing students who are Asian-Pacific, African-American, American Indian, or Hispanic American (Latino, Chicano, or Puerto Rican).

Subd. 2. [ELIGIBILITY.] To be eligible to receive a grant, an applicant must:

- (1) be a Minnesota school, college, or program of nursing that offers educational programs leading to licensure as a registered nurse;
- (2) have in place a program of activities that provides faculty with knowledge of the history, practices, and health needs of persons of color; and
- (3) have in place a program advisory panel, a majority of whom are persons of color.

Subd. 3. [RESPONSIBILITY OF NURSING PROGRAMS.] Each school, college, or program of nursing that wishes to participate in the grant program shall apply to the higher education coordinating board for grant money, according to policies established by the board. Each applicant shall outline the specific programs it intends to implement and demonstrate the likelihood that those programs will result in increased recruitment and retention of students who are persons of color.

Subd. 4. [RESPONSIBILITIES OF THE HIGHER EDUCATION COORDINATING BOARD.] The board shall establish an application process for interested schools, colleges, or programs of nursing.

The board shall establish written criteria to use in awarding the grants. The criteria must include consideration of whether:

(1) the proposed program is likely to actually increase the recruitment and retention of nursing students who are persons of color;

(2) the proposed program creates a support network for persons of color;

(3) the nursing program employs persons of color on its staff and faculty;

(4) the proposed program has initiatives to reach persons of color while still in high school; and

(5) the proposed program establishes a mentoring program for nursing students who are persons of color.

The board shall establish written guidelines to ensure that grants are used only for board-approved initiatives. The board shall provide the written guidelines to grant recipients at the time it distributes the money. The board shall require each grant recipient to report to the board on its program activity and use of grants.

Sec. 26. [REPEALER.]

Minnesota Statutes 1992, sections 136A.121, subdivision 10; 136A.134; 136A.234; 136A.70; and Laws 1991, chapter 356, article 8, section 23, are repealed.

Sec. 27. [EFFECTIVE DATE.]

Section 15 is effective immediately for applicants for loans for enrollment periods beginning after July 1, 1993.

ARTICLE 3

POST-SECONDARY SYSTEMS

Section 1. Minnesota Statutes 1992, section 3.9741, is amended to read:

3.9741 [COST OF EXAMINATION, BILLING, PAYMENT.]

Subdivision 1. [METROPOLITAN COMMISSION.] Upon the audit of the financial accounts and affairs of a commission under section 473.413, 473.595, 473.604, or 473.703, the affected metropolitan commission is liable to the state for the total cost and expenses of the audit, including the salaries paid to the examiners while actually engaged in making the examination. The legislative auditor may bill the metropolitan commission either monthly or at the completion of the audit. All collections received for the audits must be deposited in the general fund.

Subd. 2. [POST-SECONDARY EDUCATION BOARD.] The legislative auditor may enter into an interagency agreement with the community college board, state university board, or the state board of technical colleges to conduct financial audits, in addition to audits conducted under section 3.972, subdivision 2.

Sec. 2. Minnesota Statutes 1992, section 16A.127, subdivision 8, is amended to read:

Subd. 8. [EXEMPTION.] (a) Except for the costs of the legislative auditor to conduct financial audits of federal funds, this section does not apply to the community college system board, state universities university board, or the state board of technical colleges. Indirect cost receipts attributable to

financial audits conducted by the legislative auditor of federal funds administered by these post-secondary education boards shall be deposited in the general fund.

(b) Except for federal funds, this section does not apply to the department of natural resources for agency indirect costs.

Sec. 3. Minnesota Statutes 1992, section 126.56, subdivision 5, is amended to read:

Subd. 5. [ADVISORY COMMITTEE.] An advisory committee shall assist the state board of education in approving eligible programs and shall assist the higher education coordinating board in planning, implementing, and evaluating the scholarship program. The committee shall consist of 11 members, to include the executive director of the higher education coordinating board or a representative, the commissioner of education or a representative, two secondary school administrators and two secondary teachers appointed by the commissioner of education, the executive director of the academic excellence foundation, a private college representative appointed by the president of the Minnesota private college council, a community college representative appointed by the community college chancellor, a state university representative appointed by the state university chancellor, and a University of Minnesota representative appointed by the president of the University of Minnesota. The committee expires June 30, 1993 1995.

Sec. 4. Minnesota Statutes 1992, section 135A.03, subdivision 7, is amended to read:

Subd. 7. [RESIDENCY RESTRICTIONS.] In calculating student enrollment for appropriations, only the following may be included:

(1) students who resided in the state for at least one calendar year prior to applying for admission or dependent students whose parent or legal guardian resides in Minnesota at the time the student applies;

(2) Minnesota residents who can demonstrate that they were temporarily absent from the state without establishing residency elsewhere;

(3) residents of other states who are attending a Minnesota institution under a tuition reciprocity agreement; and

(4) students who have been in Minnesota as migrant farmworkers, as defined in Code of Federal Regulations, title 20, section 633.104, over a period of at least two years immediately before admission or readmission to a Minnesota public post-secondary institution, or students who are dependents of such migrant farmworkers.

Sec. 5. Minnesota Statutes 1992, section 135A.06, subdivision 1, is amended to read:

Subdivision 1. [PLANNING REPORTS.] It is the intention of the legislature that the planning efforts of the public post-secondary education systems be summarized and reported to the legislature. It is the further intention that the system missions be differentiated from one another to best serve the needs of the citizens of Minnesota. To accomplish these goals, the University of Minnesota board of regents, the state university board, the state board for community colleges, and the state board of technical colleges shall each submit to the governor and the legislature on December 1 of each even-numbered year a planning report for its system. The report shall contain the

mission of the system and short- and long-range plans for programs, staff, and facilities. ~~It shall specify the mission and plans for two, five, and ten years. The assumptions used in developing the plans shall be included. The report shall also include plans for and progress toward achieving mission differentiation while maintaining the state's overall post-secondary objectives.~~

Sec. 6. Minnesota Statutes 1992, section 135A.061, is amended to read:

135A.061 [INTERSYSTEM COUNCIL.]

An intersystem council is established to improve communications among post-secondary systems on relevant policy issues. The council is composed of officers or other representatives of each public post-secondary governing board ~~and of the higher education coordinating board. The council chair shall be rotated among the systems each year, corresponding to the rotation of the chair of the higher education advisory council. The council shall determine its meeting times but shall~~ meet at least twice each year. Members shall report on discussions and actions of the council to their respective governing boards. The council shall determine its agenda from issues that affect more than one system. These may include: transfer of credit, efficiency of campus and system operations, duplication of programs and courses, mission delineation, cooperative arrangements, academic quality initiatives, and the effects of a system's proposed plans on the other systems. ~~The council shall notify the chairs of the education, appropriations, and finance committees of the legislature in advance of its meetings.~~

Sec. 7. Minnesota Statutes 1992, section 136C.15, is amended to read:

136C.15 [STUDENT ASSOCIATIONS.]

Every school board governing a technical college shall give recognition as an authorized extracurricular activity to a technical college student association affiliated with the Minnesota ~~vocational~~ technical college student association. The student association is authorized to collect a reasonable fee from students to finance the activities of the association in an amount determined by the governing board of the technical college which has recognized it.

Every governing body which recognizes a student association shall deposit the fees in a student association fund. The money in this fund shall be available for expenditure for recreational, social, welfare, charitable, and educational activities approved by the student association. The money in the fund is not public money.

Sec. 8. Minnesota Statutes 1992, section 136C.61, subdivision 7, is amended to read:

Subd. 7. [MEETINGS.] Notwithstanding any law to the contrary, the joint board may hold meetings at any location convenient to the member districts and the public, whether or not that meeting site is located within the boundaries of a member district. The joint board may also conduct meetings ~~via interactive television by means of telecommunications~~ if the board complies with section 471.705 in each location where board members are present. The joint board shall establish and maintain a schedule of the time and place of its meetings and shall give notice of regular and special meetings in the same manner as required for other public bodies.

Sec. 9. [137.41] [INDIRECT COST RECOVERIES.]

Indirect cost recovery money received by the University of Minnesota must be used exclusively for the direct support of research or the financing of support activities directly contributing to the receipt of indirect cost recovery money. It may be used for debt retirement for research-related buildings. It may not be used for teaching or service.

Sec. 10. Laws 1990, chapter 591, article 3, section 10, as amended by Laws 1991, chapter 356, article 3, section 13, is amended to read:

Sec. 10. [CONDITIONS.]

(a) The state university board, the state board for community colleges, the state board of vocational technical education, and their respective campuses must not enter into new long-term lease arrangements for facilities, significantly increase the course offerings at off-campus sites, enter any 2 + 2 arrangements, or significantly increase staffing levels for off-campus sites between the effective date of this section and the end of the ~~1992-1993~~ 1994-1995 academic year. A current long-term lease may be renewed if it expires during this period. The board of regents is requested to abide by these conditions until the end of the ~~1992-1993~~ 1994-1995 academic year.

(b) This section does not apply to actions of Metropolitan State University that are part of its plan to consolidate its sites in the seven-county metropolitan area. The state university board shall consult with the chairs of the house appropriations and senate finance committees in carrying out its plans. For purposes of this paragraph, "plan to consolidate" does not include entering into any 2 + 2 arrangements.

Sec. 11. Laws 1991, chapter 356, article 6, section 4, as amended by Laws 1992, chapter 513, article 1, section 25, is amended to read:

Subd. 3a. [CURRENT EMPLOYEES.] It is the policy of the state of Minnesota that restructuring of peace officer education be accomplished while ensuring that fair and equitable arrangements are carried out to protect the interests of higher education system employees, and while facilitating the best possible service to the public. The affected governing boards shall make every effort to train and retrain existing ~~employees~~ *full-time law enforcement training center administrators* for a changing work environment.

Options presented to ~~employees~~ *full-time law enforcement training center administrators* whose positions might be eliminated by integrating peace officer education programs must include, but not be limited to, job and training opportunities necessary to qualify for another job within their current institution or a similar job in another institution. *This subdivision shall expire on December 31, 1993.*

Sec. 12. [SHARED STUDENT SERVICES.]

To improve the efficient delivery of services to students and to reduce unnecessary expenditures, each technical college and community college, located in the same or nearby communities, as provided in Laws 1983, chapter 258, section 64, subdivision 1, shall jointly develop a plan to consolidate, to the extent possible, administrative positions and the delivery of noninstructional and administrative services including, but not limited to, bookstores, food services, financial aid, registration and records, parking services, libraries, and counseling.

Each joint plan shall be submitted to the higher education board, the state board for community colleges, and the state board of technical colleges by December 31, 1993. The state boards shall jointly submit an integrated plan to the education committees of the legislature by February 15, 1994, that includes proposals to redirect savings from shared services to instruction at the co-located campuses.

Sec. 13. [EMPLOYEE PROVISIONS.]

During the biennium, the legislature intends that any layoffs at post-secondary institutions be distributed equitably between management/supervisory personnel and line/support personnel. Where restructuring and retrenchment may involve a decrease in existing positions, institutions shall assist employees in finding suitable employment through such options as training and retraining opportunities. Nothing in this section shall be construed as diminishing any rights defined in collective bargaining agreements under Minnesota Statutes, chapter 179A.

Sec. 14. [PERFORMANCE MEASURES.]

Subdivision 1. [TECHNICAL COLLEGES.] For budget considerations in 1995, the technical college board shall:

(1) report to the education committees on administrator/instructor ratios for each technical college for fiscal years 1992, 1993, 1994, and 1995;

(2) report the actual placement rate, which should be no less than 60 percent for each program at each campus over a two-year period; and

(3) report how savings from a campus initiated program closure are reallocated.

Subd. 2. [COMMUNITY COLLEGES.] For budget considerations in 1995, the community college board shall:

(1) report the process used to evaluate occupational programs with a less than 60 percent placement rate;

(2) report the number and percent of students transferring to four-year colleges and universities, the percent retained one year later, and their academic success.

Subd. 3. [COMMUNITY COLLEGES AND TECHNICAL COLLEGES.] For budget considerations in 1995, the community college and technical college board shall report jointly on:

(1) their plans regarding duplicative programs at co-located campuses; and

(2) the process used to reduce duplicative nonhealth occupational programs, that are less than 35 miles apart, with student-teacher ratios below 15-1 for the courses offered in that program.

Subd. 4. [STATE UNIVERSITIES.] For budget considerations in 1995, the state university board shall report on its success in increasing:

(1) the number of students of color who graduate; and

(2) the percentage of graduates who have completed a senior project or other capstone experience.

Sec. 15. [FEE STATEMENT.]

Beginning in the 1993-1994 academic year, fee statements at all public post-secondary campuses shall indicate the state-paid portion of the cost of an average student's education in that system by including the following statement: "Tuition pays for approximately ... % of the cost of a student at a public college. The State of Minnesota pays approximately \$. of the average cost for full-time students."

Sec. 16. [EFFECTIVE DATE.]

Section 4 is effective the day following final enactment.

ARTICLE 4

ENDOWMENT FOR SCHOLARSHIP, RESEARCH, AND CHAIRS

Section 1. Minnesota Statutes 1992, section 137.022, subdivision 3, is amended to read:

Subd. 3. ~~[ENDOWED CHAIRS CHAIR ACCOUNT.]~~ (a) *For purposes of this section, the permanent university fund has three accounts. The sources of the money in the endowed mineral research and scholarship accounts are set out in paragraph (b) and subdivision 4. All money in the fund that is not otherwise allocated is in the endowed chair account. The income from the permanent university fund endowed chair account must be used, and capital gains of the fund allocated to that account may be used, to provide endowment support for professorial chairs in academic disciplines. The endowment support for the chairs from the income and the capital gains must not total more than six percent per year of the 36-month trailing average market value of the endowed chair account of the fund, as computed quarterly or otherwise as directed by the regents. The endowment support from the income and the capital gains must not provide more than half the sum of the endowment support for all chairs endowed, with nonstate sources providing the remainder. The endowment support from the income and the capital gains may provide more than half the endowment support of an individual chair.*

(b) *If any portion of the annual appropriation of the income is not used for the purpose purposes specified in paragraph (a) or subdivision 4, that portion lapses and must be added to the principal of the three accounts of the permanent university fund in proportion to the market value of each account.*

Sec. 2. Minnesota Statutes 1992, section 137.022, is amended by adding a subdivision to read:

Subd. 4. [MINERAL RESEARCH; SCHOLARSHIPS.] (a) *All income credited after July 1, 1992, to the permanent university fund from royalties for mining under state mineral leases from and after July 1, 1991, must be allocated as provided in this subdivision.*

(b)(1) *Fifty percent of the income, up to \$25,000,000, must be credited to the mineral research account of the fund to be allocated for the Natural Resources Research Institute-Duluth and Coleraine facilities, for mineral and mineral-related research including mineral-related environmental research; and*

(2) *The remainder must be credited to the endowed scholarship account of the fund for distribution annually for scholastic achievement as provided by the board of regents to undergraduates enrolled at the University of Minnesota who are resident students as defined in section 136A.101, subdivision 8.*

(c) *The annual distribution from the endowed scholarship account must be allocated to the various campuses of the University of Minnesota in proportion to the number of undergraduate resident students enrolled on each campus.*

(d) *The board of regents must report to the education committees of the legislature biennially at the time of the submission of its budget request on the dispersal of money from the endowed scholarship account and to the environment and natural resources committees on the use of the mineral research account.*

(e) *Capital gains and losses and portfolio income of the permanent university fund must be credited to its three accounts in proportion to the market value of each account.*

(f) *The endowment support from the income and capital gains of the endowed mineral research and endowed scholarship accounts of the fund must not total more than six percent per year of the 36-month trailing average market value of the account from which the support is derived.*

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective retroactively to July 1, 1992, for income and allocations into the three accounts of the permanent university fund and July 1, 1993, for distributions from the endowed mineral research account and endowed scholarship accounts of the fund.

ARTICLE 5

TELECOMMUNICATIONS

Section 1. [PURPOSE.]

The purpose of sections 1 to 4 is to expand the availability of a broad range of courses and degrees to students throughout the state to improve access, quality, and efficiency by enhancing and expanding the use of telecommunications and other instructional technologies.

Sec. 2. [TELECOMMUNICATIONS COUNCIL.] *An instructional telecommunications council shall be established and composed of: two representatives selected by each public higher education system, a representative of the higher education board, a regional telecommunications coordinator, one member of the senate appointed by the subcommittee on committees of the committee on rules and administration, one member of the house of representatives appointed by the speaker, one private college representative selected by the Minnesota private college council, a representative of the information policy office of the department of administration, the commissioner of education or designee to represent K-12 education, and one higher education coordinating board representative. The council shall:*

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

(2) *develop educational policy relating to telecommunications;*

(3) *determine priorities for use;*

(4) *oversee coordination with campuses, K-12 education, and regional educational telecommunications;*

(5) *require the use of the statewide telecommunications access and routing system where operationally, technically, and economically feasible in order to maximize the state's telecommunication resources; and*

(6) *determine priorities for grant funding proposals.*

The council shall consult with representatives of the telecommunication industry in implementing this subdivision.

Sec. 3. [REGIONAL LINKAGES.]

Subdivision 1. [GRANTS.] The higher education coordinating board shall award grants to regional organizations of higher education institutions to establish or complete telecommunications links among campuses in a region and among campuses in different regions.

The regional organizations shall use the statewide telecommunications access and routing system where operationally, technically, and economically feasible in order to maximize the state's telecommunication resources.

Subd. 2. [APPLICATION PROCESS.] The higher education coordinating board shall develop and publicize the process by which regional organizations may apply for grants. The instructional telecommunications council shall review and comment on the proposals.

Subd. 3. [CRITERIA.] The higher education coordinating board shall evaluate proposals using the following criteria:

(1) evidence of cooperative arrangements with other post-secondary institutions and school districts in the geographic region;

(2) plans for shared classes and programs;

(3) evidence of efficiencies to be achieved in delivery of instruction due to use of telecommunications;

(4) evidence of a formal governing structure; and

(5) a plan to assume the ongoing costs following the initial development for the continued operation of the project.

Sec. 4. [REGIONAL COORDINATION.]

Subdivision 1. [GRANTS.] The higher education coordinating board shall award grants to regional organizations of higher education institutions to coordinate and manage regional telecommunications arrangements.

Subd. 2. [APPLICATION PROCESS.] The higher education coordinating board shall develop and publicize the process by which regional organizations may apply for grants. The instructional telecommunications council shall review and comment on the proposals.

Subd. 3. [CRITERIA.] The higher education coordinating board shall evaluate proposals using the following criteria:

(1) evidence of cooperative arrangements with other post-secondary institutions and school districts in the geographic region;

(2) plans for shared classes and programs;

(3) avoidance of program and course duplication;

(4) *evidence of efficiencies to be achieved in delivery of instruction due to use of telecommunications;*

(5) *a plan for development of a list of all courses available in the region for delivery at a distance;*

(6) *a plan for coordinating and scheduling courses;*

(7) *a plan for evaluation of costs, access, and outcomes; and*

(8) *a plan to assume the ongoing costs following the initial development for the continued operation of the project.*

Sec. 5. [EVALUATION.]

The higher education coordinating board shall evaluate the results of the grants provided under sections 3 and 4 and make recommendations to the legislature and governor regarding future funding, the success rate of the various grants, and other relevant information by January 15, 1995.

Sec. 6. [GRANT LIMITATIONS; PROPOSALS.]

All grants shall be used for direct costs only and shall not include indirect costs. The higher education coordinating board shall advise grant applicants that money used for regional linkages in section 3 and regional coordination in section 4 are for pilot projects. State money for the pilot projects shall be 90 percent of costs.

ARTICLE 6

FARMER-LENDER MEDIATION SERVICES

Section 1. Minnesota Statutes 1992, section 583.24, subdivision 4, is amended to read:

Subd. 4. [DEBTS.] The farmer-lender mediation act does not apply to a debt:

(1) for which a proof of claim form has been filed in bankruptcy by a creditor or that was listed as a scheduled debt, of a debtor who has filed a petition in bankruptcy after July 1, 1987, under United States Code, title 11, chapter 7, 11, 12, or 13;

(2) if the debt was in default when the creditor received a mediation proceeding notice under the farmer-lender mediation act and the creditor filed a claim form, the debt was mediated during the mediation period under section 583.26, subdivision 8, and (i) the mediation was unresolved; or (ii) a mediation agreement with respect to that debt was signed;

(3) for which the creditor has served a mediation notice, the debtor has failed to make a timely request for mediation, and within 45 60 days after the debtor failed to make a timely request the creditor began a proceeding to enforce the debt against the agricultural property of the debtor;

(4) for which a creditor has received a mediation proceeding notice and the creditor and debtor have restructured the debt and have signed a separate mediation agreement with respect to that debt; or

(5) for which there is a lien for rental value of farm machinery under section

514.661 or a lien for rental value relating to a contract for deed subject to the farmer-lender mediation act under section 559.2091.

Sec. 2. Laws 1986, chapter 398, article 1, section 18, as amended by Laws 1987, chapter 292, section 37, Laws 1989, chapter 350, article 16, section 8, Laws 1990, chapter 525, section 1, and Laws 1991, chapter 208, section 2, is amended to read:

Sec. 18. [REPEALER.]

Sections 1 to 17 and Minnesota Statutes, section 336.9-501, subsections (6) and (7), and sections 583.284, 583.285, 583.286, and 583.305, are repealed on July 1, ~~1993~~ 1995.

ARTICLE 7

STUDENT HOUSING

Section 1. [VERMILION COMMUNITY COLLEGE STUDENT HOUSING.]

The state board for community colleges may acquire a site and construct, own, operate, furnish, and maintain one or more dormitories or other student residence facilities at Ely for the use and benefit of Vermilion Community College. Selection of a designer for the project is not subject to Minnesota Statutes, section 16B.33, subdivision 4. The higher education facilities authority may issue revenue bonds or other financial instruments for the facilities under Minnesota Statutes, sections 136A.25 to 136A.42, and the state board for community colleges may borrow the proceeds of the revenue bonds or other financial instruments to finance the acquisition, construction, and equipping of the student housing facilities. The board may enter into agreements and pledge revenues of the facilities as may be necessary to provide security for the bonds and may mortgage the financed facilities to the higher education facilities authority or to a trustee for the bondholders if considered necessary by the board or the authority for the successful marketing of the bonds. The state board for community colleges shall establish, maintain, revise when necessary, and collect rates and charges for the use of the student housing facilities. The rates and charges must be sufficient, as estimated by the board, to pay all expenses of operation and maintenance of the facilities, to pay principal of, and interest on, revenue bonds or other obligations or instruments when due, and to pay customary fees and charges of the higher education facilities authority and to establish and maintain the reserve funds that the board considers necessary for repair, replacement, and maintenance of the facilities. Funds and accounts established in furtherance of these purposes are not subject to Minnesota Statutes, section 136.67, subdivision 2, and are not subject to the budgetary control of the commissioner of finance. The board shall never be obligated to use other revenues of the board or funds of the state to pay the costs of construction, operation, maintenance, and repair of the facilities or to pay principal of and interest on obligations issued for these purposes. Notwithstanding any other law or rule or the city charter, the city of Ely may, without complying with the procedures set forth in Minnesota Statutes, chapter 475, guarantee all or any part of the loan repayment obligation of the board to the authority, by pledging its full faith and credit and taxing power. The guarantee is not subject to any limitation on net debt of the city, and taxes required to make any payment under the guarantee may be levied without limit as to rate or amount.

ARTICLE 8

SOUTHWEST ASIA VETERANS TRAINING

Section 1. Minnesota Statutes 1992, section 136C.13, subdivision 4, is amended to read:

Subd. 4. [~~VIETNAM SOUTHWEST ASIA VETERAN'S EXEMPTION.~~] A ~~Vietnam Southwest Asia~~ veteran who enrolls in a ~~tuition free~~ technical college program ~~before July 1, 1990~~, and who is a Minnesota resident whose entire education has not included completion of at least one ~~tuition free~~ technical college program is ~~exempt from tuition~~ eligible for a state grant of \$500 per year if the veteran has GI Montgomery bill benefits, or \$1,000 per year if the veteran does not have GI Montgomery bill benefits, until the veteran has completed the lesser of (a) 440 technical college school days, or the equivalent as determined by the state board 115 credits in a technical college program, or (b) one technical college program. The grant is based on full-time attendance and shall be prorated if the student is attending less than full time. To be eligible for the tuition relief, a veteran who is discharged before July 1, 1993, must enroll in a technical college by July 1, 1995, and a veteran who is discharged on or after July 1, 1993, must enroll in a technical college within two years of the date of discharge. All veterans enrolled under this program must maintain a minimum of six credits per quarter. Total grants may not exceed the available appropriation.

"~~Vietnam Southwest Asia~~ veteran" for the purpose of this subdivision means a person who served in the active military service in any branch of the armed forces of the United States ~~after July 1, 1961, and before July 1, 1978,~~ any time between August 1, 1990, and February 27, 1992, who became eligible for the ~~Vietnam Expeditionary Medal or the Vietnam Southwest Asia Service Medal~~ as a result of the service, was a Minnesota resident at the time of induction into the armed forces and for the ~~six months one year~~ immediately preceding induction, and has been separated or discharged from active military service under conditions other than dishonorable.

ARTICLE 9

HIGHER EDUCATION BOARD

Section 1. [JOINT LEGISLATIVE COMMITTEE ON MERGING POST-SECONDARY EDUCATION SYSTEMS.]

Subdivision 1. [ESTABLISHMENT.] A joint legislative committee on merging the post-secondary systems is created to provide a forum for communication between the higher education board and the legislature related to merging the state university, community college and technical college systems.

Subd. 2. [MEMBERSHIP.] The committee consists of ten members. Five members from the house shall be appointed by the speaker of the house. Five members from the senate shall be appointed by the subcommittee on committees of the committee on rules and administration. The committee must have representatives from the minority caucus of each house and from both rural and metropolitan areas.

Subd. 3. [OFFICERS.] The committee shall elect a chair and vice-chair from among its members. The chair must alternate annually between a

member of the house and a member of the senate. When the chair is from one body, the vice-chair must be from the other body.

Subd. 4. [STAFF.] The committee shall use existing legislative staff to provide legal counsel, research, fiscal, secretarial, and clerical assistance.

Subd. 5. [DUTIES.] The committee may review proposals, plans, and information provided by the higher education board. The committee shall give particular attention to: the educational quality and missions of the higher education system, the needs of students and system and campus employees, and fiscal considerations. The committee shall report on its work and its recommendations to the education committees of the 1994 and 1995 legislatures.

Subd. 6. [INFORMATION COLLECTIONS; INTERGOVERNMENTAL COORDINATION.] (a) The committee may conduct public hearings and otherwise collect data and information necessary to its purposes.

(b) To facilitate coordination between executive and legislative authorities, the governor shall appoint a person to act as liaison between the committee and the governor.

Subd. 7. [EXPIRATION.] This section expires on June 30, 1995.

Sec. 2. [HIGHER EDUCATION BOARD BUDGET.]

The higher education board shall submit to the governor and legislature a unified budget request for the biennium ending June 30, 1997. The request shall compare the budgets of each merged system in 1994-1995 to the unified budget for 1996-1997.

Sec. 3. Minnesota Statutes 1992, section 136E.03, is amended to read:

136E.03 [MISSION.]

The mission of the board is to provide programs of study that meet the needs of students for occupational, general, baccalaureate, and graduate education. The state universities, community colleges, and technical colleges shall have distinct missions. The board shall develop administrative arrangements that make possible the efficient use of the facilities and staff of the ~~former~~ technical colleges, community colleges, and state universities for providing these several different programs of study, so that students may have the benefit of improved and broader course offerings, ease of transfer among schools and programs, integrated course credit, coordinated degree programs, and coordinated financial aid. In carrying out the merger of the three separate systems, the board shall control administrative costs by eliminating duplicative administrative positions and course offerings.

Sec. 4. Minnesota Statutes 1992, section 136E.04, subdivision 1, is amended to read:

Subdivision 1. [GENERAL AUTHORITY.] *The board shall manage, supervise, and control the ~~former~~ technical colleges, community colleges, and state universities and all related property. It shall prescribe courses of study and conditions of admission, prepare and confer diplomas, and adopt suitable policies for the institutions it manages. Sections 14.01 to 14.47 do not apply to policies and procedures of the board.*

Sec. 5. Laws 1991, chapter 356, article 9, section 8, is amended to read:

Sec. 8. [TRANSITIONAL PROVISIONS.]

Subdivision 1. [APPOINTMENTS TO BOARD.] Appointments to the higher education board must be made by July 1, 1991. Notwithstanding section 2, the initial higher education board consists of two members each from the state board of technical colleges, state board for community colleges, and the state university board, appointed by their respective boards and six members appointed by the governor. The governor's appointees may also be members of the current governing boards. The members appointed by boards must have been confirmed by the senate to the board from which they are appointed and served for at least one year on the board from which they were appointed. Initial higher education board members appointed by boards are not subject to further senate confirmation. Initial appointees of the governor are not subject to section 3. The governor shall appoint the student member July 1, 1995. Notwithstanding section 2, subdivision 2, the initial members of the higher education board must be appointed so that an equal number will have terms expiring in three, five, and seven years. To the extent possible, the initial board must have the geographic balance required by section 2.

Subd. 2. [INTERIM CHANCELLOR.] By November 1, 1991, the board shall hire a chancellor on an interim basis for the period ending June 30, 1995. Thereafter, the board shall conduct a search and hire a chancellor to serve on a continuing basis.

Subd. 3. [PERSONNEL.] The chancellor may hire employees necessary to carry out the transitional duties imposed by this section. The commissioner of employee relations shall cooperate with the chancellor to expedite hiring these employees. *The board shall report to the legislature on its staffing plans by July 15, 1993.*

Subd. 4. [TRANSITIONAL PLANNING PROCESS.] The board shall immediately after appointment commence planning for the merger of the technical college, community college, and state university systems. As part of the planning process, the board shall consult with the local advisory committees, representatives of student government organizations, and exclusive representatives of the employees of the state universities, community colleges, and technical colleges. The board shall complete a preliminary merger plan and timetable for the plan on or before ~~March 1, 1992~~ *September 1, 1993*. Copies of the plan shall be submitted to the chairs of the education, ~~appropriation~~ *ways and means*, and finance committees of the legislature.

Subd. 5. [RESTRUCTURING.] *By January 1, 1994*, the board shall submit a proposal to the legislature concerning the appropriate administrative structure for the educational institutions it governs. The board shall give special attention to the need to integrate the administration of programs of study now offered at institutions from different systems. The board, in cooperation with the department of employee relations and the department of administration, shall give special attention to the need to integrate administrative functions of the educational institutions it governs, including: (1) personnel, labor, and compensation policies; (2) purchases of supplies; and (3) management of property, and construction and repair of facilities. *Plans for the integration of each of these functions must be included in the proposal.*

Subd. 6. [SCHOOL DISTRICTS.] *By January 1, 1994*, the board shall, in cooperation with the commissioner of employee relations, submit proposals to the legislature concerning labor and other issues related to the transfer of technical colleges from school board governance.

By January 1, 1994, the board shall, in cooperation with the commissioner of administration, submit a proposal to the legislature concerning reimbursement to school districts for technical college property transferred to the board pursuant to section 9.

Subd. 7. [LEGAL SERVICES.] *By January 1, 1994, the board shall submit to the legislature proposals for providing the board with adequate legal services.*

Subd. 8. [ACCOUNTING SYSTEM.] *By January 1, 1995 the commissioner of finance shall submit proposals to the legislature that will enable the board to use a single accounting system in accord with generally accepted accounting principles for colleges and universities and eliminate the need to have a second system to account for its money in the state treasury.*

Subd. 9. [BUDGET REQUESTS.] *The board shall consult with the commissioner of finance, the chair of the senate finance committee, and the chair of the house appropriations ways and means committee and, by January 1, 1994, submit to the legislature a proposed format for its 1995 budget request. The higher education board shall use the format, as revised in accordance with instructions from the legislature, to present its budget request to the governor and the 1995 legislature.*

Subd. 10. [INFORMATION.] *All plans and proposals required in this section must include timetables for implementation.*

Subd. 11. [INITIAL ADVISORY COUNCIL APPOINTMENTS.] *Notwithstanding section 3, the initial members of the higher education board candidate advisory council must be appointed so that an equal number will have terms expiring in two, four, and six years.*

Sec. 6. Laws 1991, chapter 356, article 9, section 10, is amended to read:

Sec. 10. [CURRENT EMPLOYEES.]

It is the policy of the state of Minnesota that any restructuring of the higher education systems be accomplished while ensuring that fair and equitable arrangements are carried out to protect the interests of higher education system employees, and while facilitating the best possible service to the public. The higher education board shall make every effort to train and retrain existing employees for a changing work environment and shall report to the legislature on plans for this training by September 1, 1994.

For employees whose positions will be eliminated by merging higher education systems, options presented to employees must include but not be limited to job and training opportunities necessary to qualify for another job within their current institution or a similar job in another institution. The board shall report on its plans to eliminate positions by January 1, 1995.

Implementation of this section, as well as procedures for notifying employees affected by the merger, must be negotiated in good faith under Minnesota Statutes, chapter 179A. Nothing in this section shall be construed as diminishing any rights defined in collective bargaining agreements under this chapter or Minnesota Statutes, chapter 179A."

Delete the title and insert:

"A bill for an act relating to education; appropriating money for education and related purposes to the higher education coordinating board, state board

of technical colleges, state board for community colleges, state university board, University of Minnesota, higher education board, and the Mayo medical foundation, with certain conditions; prescribing changes in eligibility and in duties and responsibilities for certain financial assistance programs; prescribing fees; adjusting certain duties and powers of the higher education coordinating board; prescribing certain changes for post-secondary systems; establishing an instructional telecommunications council; providing for grants from the higher education coordinating board for regional linkages and coordination; authorizing the state board of community colleges to use higher education facilities authority revenue bonds to construct student residences; creating three accounts in the permanent university fund and making allocations from the accounts; providing tuition exemptions at technical colleges for Southwest Asia veterans; establishing grant programs to promote recruitment and retention initiatives by nurses training programs directed toward persons of color; establishing grant programs for nursing students who are persons of color; amending Minnesota Statutes 1992, sections 3.9741; 16A.127, subdivision 8; 126.56, subdivision 5; 135A.03, subdivision 7; 135A.06, subdivision 1; 135A.061; 136A.02, subdivisions 5, 6, and 7; 136A.0411; 136A.08, subdivisions 2 and 6; 136A.101, subdivisions 1 and 7; 136A.121, subdivisions 6 and 9; 136A.1353, subdivision 4; 136A.1354, subdivision 4; 136A.1701, subdivision 4, and by adding a subdivision; 136A.233; 136A.653, subdivision 1; 136A.69; 136A.87; 136C.13, subdivision 4; 136C.15; 136C.61, subdivision 7; 136E.03; 136E.04, subdivision 1; 137.022, subdivision 3, and by adding a subdivision; 141.25, subdivision 8; 141.26, subdivisions 1 and 5; and 583.24, subdivision 4; Laws 1986, chapter 398, article 1, section 18, as amended; Laws 1990, chapter 591, article 3, section 10, as amended; Laws 1991, chapter 356, articles 6, section 4, as amended; and 9, sections 8 and 10; proposing coding for new law in Minnesota Statutes, chapters 136A; and 137; repealing Minnesota Statutes 1992, sections 136A.121, subdivision 10; 136A.134; 136A.234; and 136A.70; Laws 1991, chapter 356, article 8, section 23."

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

Senate Conferees: (Signed) LeRoy A. Stumpf, Deanna Wiener, Leonard R. Price, Joanne E. Benson, Sam G. Solon

House Conferees: (Signed) Peter Rodosovich, John Dorn, Gene Pelowski, Jr., Anthony G. "Tony" Kinkel, Connie Morrison

Mr. Stumpf moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1407 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1407 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Adkins	Bertram	Day	Hanson	Johnson, D.J.
Beckman	Betzold	Finn	Hottinger	Johnson, J.B.
Benson, J.E.	Chmielewski	Flynn	Janezich	Johnston
Berg	Cohen	Frederickson	Johnson, D.E.	Kelly

Krentz	McGowan	Novak	Ranum	Spear
Kroening	Merriam	Oliver	Reichgott	Stevens
Laidig	Metzen	Olson	Riveness	Stumpf
Langseth	Moe, R.D.	Pappas	Robertson	Terwilliger
Lesewski	Mondale	Pariseau	Runbeck	Vickerman
Lessard	Morse	Piper	Sams	Wiener
Luther	Murphy	Pogemiller	Samuelson	
Marty	Neuville	Price	Solon	

So the bill, as amended by the Conference Committee, was repassed 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 that the House has adopted the recommendation and report of the Conference Committee on House File No. 1524, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1524 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 14, 1993

CONFERENCE COMMITTEE REPORT ON 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.

May 12, 1993

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 1524, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its Rule 49 amendment labeled SCSF1419, adopted by the Senate May 4, 1993, and that the House concur in the Pogemiller amendments labeled SH1524A-6 and SH1524A50, adopted by the Senate May 10, 1993.

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

House Conferees: (Signed) Ann H. Rest, Steve Dehler, Jean Wagenius

Senate Conferees: (Signed) Lawrence J. Pogemiller, Carol Flynn, Gen Olson

Mr. Pogemiller moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1524 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1524 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 52 and nays 2, as follows:

Those who voted in the affirmative were:

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

Mr. Kelly and Ms. Lesewski voted in the negative.

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 584, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 584 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 14, 1993

CONFERENCE COMMITTEE REPORT ON H.F. NO. 584

A bill for an act relating to utilities; regulating telephone services to communication-impaired persons; amending Minnesota Statutes 1992, sections 237.49; 237.50, subdivision 3; 237.51, subdivision 2; and 237.52, subdivision 2; repealing Laws 1987, chapter 308, section 8.

May 12, 1993

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 584, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H.F. No. 584 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 237.49, is amended to read:

237.49 [COMBINED LOCAL ACCESS SURCHARGE.]

Each local telephone company shall collect from each subscriber an amount ~~or amounts per telephone access line~~ representing the total of the surcharges required under sections 237.52, 237.70, and 403.11. Amounts collected must be remitted to the department of administration in the manner prescribed in section 403.11. The department of administration shall divide the amounts received proportional to the individual surcharges and deposit them in the appropriate accounts. *A company or the billing agent for a company shall list the surcharges as one amount on a billing statement sent to a subscriber.*

Sec. 2. Minnesota Statutes 1992, section 237.50, subdivision 3, is amended to read:

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

Sec. 3. Minnesota Statutes 1992, section 237.50, subdivision 4, is amended to read:

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

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

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

Sec. 5. Minnesota Statutes 1992, section 237.50, is amended by adding a subdivision to read:

Subd. 6a. [HARD-OF-HEARING.] “Hard-of-hearing” means a hearing

impairment resulting in a functional loss, but not to the extent that the individual must depend primarily upon visual communication.

Sec. 6. Minnesota Statutes 1992, section 237.50, subdivision 11, is amended to read:

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

Sec. 7. Minnesota Statutes 1992, section 237.51, subdivision 1, is amended to read:

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

Sec. 8. Minnesota Statutes 1992, section 237.51, subdivision 2, is amended to read:

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

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

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

(3) ~~five~~ (2) ~~seven~~ communication-impaired persons appointed by the governor at least three of whom reside outside a metropolitan county, as defined in section 473.121, subdivision 4, at the time of appointment, at least four of whom are deaf, one of whom is speech impaired, one of whom is mobility impaired, and one of whom is hard-of-hearing;

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

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

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

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

(8) one person to represent the organization operating the message relay service to be appointed by the governor at the time the board contracts with the organization pursuant to section 237.54 if the company with whom the person is employed does not have a contract to operate a telecommunication relay service under section 237.54 and agrees not to enter such a contract for at least one year after the person leaves the board.

Sec. 9. Minnesota Statutes 1992, section 237.51, subdivision 4, is amended to read:

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

Sec. 10. Minnesota Statutes 1992, section 237.51, subdivision 5, is amended to read:

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

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

(2) establish a method to verify eligibility requirements;

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

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

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

(6) prepare the reports required by section 237.55;

(7) administer the fund created in section 237.52;

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

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

(10) ~~study the potential economic impact of the program on local communication device retailers and dispensers;~~ notwithstanding any provision of chapter 16B, ~~the board shall~~ develop guidelines for the purchase of some communication devices from local retailers and dispensers if the ~~study board~~ determines that otherwise they will be economically harmed by implementation of sections 237.50 to 237.56.

Sec. 11. Minnesota Statutes 1992, section 237.51, subdivision 6, is amended to read:

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

Sec. 12. Minnesota Statutes 1992, section 237.52, subdivision 2, is amended to read:

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

Sec. 13. Minnesota Statutes 1992, section 237.52, subdivision 5, is amended to read:

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

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

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

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

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

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

Sec. 14. Minnesota Statutes 1992, section 237.54, is amended to read:

237.54 [MESSAGE TELECOMMUNICATION RELAY SERVICE.]

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

Subd. 2. [OPERATION.] The board shall contract with a local consumer organization that serves communication-impaired persons for operation of the ~~message~~ telecommunication relay system. The board shall contract with a local consumer organization that serves communication-impaired persons for operation of the ~~message~~ telecommunication relay system. *The board may contract with other than a local consumer organization if the board finds by at least a two-thirds majority vote that no local consumer organization is*

available to enter into or perform a reasonable contract to operate a telecommunications relay system. The operator of the system shall keep all messages confidential, shall train personnel in the unique needs of communication-impaired people, and shall inform communication-impaired persons and the public of the availability and use of the system. The operator shall not relay a message unless it originates or terminates through a communication device for the deaf or a telebraille device brailleing device for use with a telephone.

Sec. 15. Minnesota Statutes 1992, section 237.55, is amended to read:

237.55 [REPORTS; PLANS.]

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

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

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

Sec. 16. Minnesota Statutes 1992, section 595.02, subdivision 1, is amended to read:

Subdivision 1. [COMPETENCY OF WITNESSES.] Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as provided in this subdivision:

(a) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either or against a child under the care of either spouse, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for nonsupport, neglect, dependency, or termination of parental rights.

(b) An attorney cannot, without the consent of the attorney's client, be examined as to any communication made by the client to the attorney or the attorney's advice given thereon in the course of professional duty; nor can any employee of the attorney be examined as to the communication or advice, without the client's consent.

(c) A member of the clergy or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to the member of the clergy or other minister in a professional character, in the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs; nor shall a member of the clergy or other minister of any religion be examined as to any communication made to the member of the clergy or other minister by any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in the course of the member of the clergy's or other minister's professional character, without the consent of the person.

(d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of the patient, be allowed to disclose any information or any opinion based thereon which the professional acquired in attending the patient in a professional capacity, and which was necessary to enable the professional to act in that capacity; after the decease of the patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of the deceased person for the purpose of waiving this privilege, and no oral or written waiver of the privilege shall have any binding force or effect except when made upon the trial or examination where the evidence is offered or received.

(e) A public officer shall not be allowed to disclose communications made to the officer in official confidence when the public interest would suffer by the disclosure.

(f) Persons of unsound mind and persons intoxicated at the time of their production for examination are not competent witnesses if they lack capacity to remember or to relate truthfully facts respecting which they are examined.

(g) A registered nurse, psychologist or consulting psychologist shall not, without the consent of the professional's client, be allowed to disclose any information or opinion based thereon which the professional has acquired in attending the client in a professional capacity, and which was necessary to enable the professional to act in that capacity.

(h) An interpreter for a person handicapped in communication shall not, without the consent of the person, be allowed to disclose any communication if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person handicapped in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which the person is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

(i) Licensed chemical dependency counselors shall not disclose information or an opinion based on the information which they acquire from persons

consulting them in their professional capacities, and which was necessary to enable them to act in that capacity, except that they may do so:

(1) when informed consent has been obtained in writing, except in those circumstances in which not to do so would violate the law or would result in clear and imminent danger to the client or others;

(2) when the communications reveal the contemplation or ongoing commission of a crime; or

(3) when the consulting person waives the privilege by bringing suit or filing charges against the licensed professional whom that person consulted.

(j) A parent or the parent's minor child may not be examined as to any communication made in confidence by the minor to the minor's parent. A communication is confidential if made out of the presence of persons not members of the child's immediate family living in the same household. This exception may be waived by express consent to disclosure by a parent entitled to claim the privilege or by the child who made the communication or by failure of the child or parent to object when the contents of a communication are demanded. This exception does not apply to a civil action or proceeding by one spouse against the other or by a parent or child against the other, nor to a proceeding to commit either the child or parent to whom the communication was made or to place the person or property or either under the control of another because of an alleged mental or physical condition, nor to a criminal action or proceeding in which the parent is charged with a crime committed against the person or property of the communicating child, the parent's spouse, or a child of either the parent or the parent's spouse, or in which a child is charged with a crime or act of delinquency committed against the person or property of a parent or a child of a parent, nor to an action or proceeding for termination of parental rights, nor any other action or proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport by a parent.

(k) Sexual assault counselors may not be compelled to testify about any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of sections 626.556 and 626.557.

"Sexual assault counselor" for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or assistance to victims of sexual assault.

(l) A person cannot be examined as to any communication or document, including worknotes, made or used in the course of or because of mediation pursuant to an agreement to mediate. This does not apply to the parties in the dispute in an application to a court by a party to have a mediated settlement agreement set aside or reformed. A communication or document otherwise not privileged does not become privileged because of this paragraph. This

paragraph is not intended to limit the privilege accorded to communication during mediation by the common law.

(m) A child under ten years of age is a competent witness unless the court finds that the child lacks the capacity to remember or to relate truthfully facts respecting which the child is examined. A child describing any act or event may use language appropriate for a child of that age.

(n) *A communication assistant for a telecommunications relay system for communication-impaired persons shall not, without the consent of the person making the communication, be allowed to disclose communications made to the communication assistant for the purpose of relaying.*

Sec. 17. Laws 1987, chapter 308, section 8, is amended to read:

Sec. 8. [EFFECTIVE DATE.]

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

Sec. 18. [REPORT BY TACIP BOARD.]

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

Sec. 19. [PUBLIC UTILITIES COMMISSION TRANSITIONAL AUTHORITY.]

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

Sec. 20. [TELEPHONE SERVICE FOR THE BLIND.]

The department of public service shall study the feasibility of providing free directory and operator services to blind individuals. The study shall analyze the cost to rate payers if the cost of the free services is included as part of the rate for local service by a telephone company.

Sec. 21. [EFFECTIVE DATE.]

Sections 2 to 7, 9 to 13, 15, and 18 are effective July 1, 1993. Sections 8, 14, 17, and 19 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to utilities; regulating telephone services to communication-impaired persons; requiring studies and reports; amending Minnesota Statutes 1992, sections 237.49; 237.50, subdivisions 3, 4, 11, and by adding subdivisions; 237.51, subdivisions 1, 2, 4, 5, and 6; 237.52, subdivisions 2 and 5; 237.54; 237.55; and 595.02, subdivision 1; Laws 1987, chapter 308, section 8."

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

House Conferees: (Signed) Loren Jennings, Teresa Lynch, Thomas Pugh

Senate Conferees: (Signed) Janet B. Johnson, John Marty, Dennis R. Frederickson

Ms. Johnson, J.B. moved that the foregoing recommendations and Conference Committee Report on H.F. No. 584 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 584 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1225:

H.F. No. 1225: A bill for an act relating to agriculture; authorizing use of money in the agricultural chemical response and reimbursement account for administrative costs; exempting certain pesticides from the ACRRA surcharge; requiring a report; appropriating money; repealing the hazardous substance labeling act; amending Minnesota Statutes 1992, sections 18B.01, by adding subdivisions; 18B.135; 18B.14, subdivision 2; 18B.26, subdivision 3; 18B.31, subdivision 1; 18B.36, subdivision 2; 18B.37, subdivision 2; 18C.005, subdivisions 13 and 35; 18C.115, subdivision 2; 18C.211, subdivision 1; 18C.215, subdivision 2; 18C.305, subdivision 2; 18E.03, subdivisions 2 and 5; 21.85, subdivision 10; 325F.19, subdivision 7; repealing Minnesota Statutes 1992, sections 18B.07, subdivision 3; 18C.211, subdivision 3; 18C.215, subdivision 3; 24.32; 24.33; 24.34; 24.35; 24.36; 24.37; 24.38; 24.39; 24.40; 24.41; 24.42; 25.46; and 25.47.

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

Steensma, Wenzel and Hugoson have been appointed as such committee on the part of the House.

House File No. 1225 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 14, 1993

Mr. Morse moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1225, 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. 1529:

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

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

Hausman, Munger and Wagenius have been appointed as such committee on the part of the House.

House File No. 1529 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 14, 1993

Mr. Pogemiller moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1529, 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 has adopted the recommendation and report of the Conference Committee on House File No. 1114 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1114 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 14, 1993

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1114

A bill for an act relating to game and fish; stamp design; training of hunting dogs; clothing requirements; raccoon season; rough fish taking by nonresidents; muskie size limits; taking of mussels; advance of matching funds; financing waterfowl development; defining "undressed bird"; regulating the taking of deer; regulating seasons on muskrat, mink, otter, and beaver; required license to take and condition of fish brought into the state from Canada; authorizing suspension of requirements upon action by Canadian

authorities; amending Minnesota Statutes 1992, sections 84.085, by adding a subdivision; 97A.015, subdivision 49, and by adding a subdivision; 97A.045, subdivision 7; 97A.091, subdivision 2; 97A.531; 97B.005, subdivisions 2 and 3; 97B.041; 97B.071; 97B.621, subdivision 1; 97B.911; 97B.915; 97B.921; 97B.925; 97C.375; 97C.405; and 97C.701, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 97A; repealing Minnesota Statutes 1992, sections 97A.541; 97C.701, subdivisions 3, 4, and 5; 97C.705; and 97C.711.

May 12, 1993

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 1114, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 1114 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [84.085] [ADVANCE OF MATCHING FUNDS.]

The commissioner may advance funds appropriated for fish and wildlife programs to government agencies, the National Fish and Wildlife Foundation, federally recognized Indian tribes and bands, and private, nonprofit organizations for the purposes of securing nonstate matching funds for projects involving acquisition and improvement of fish and wildlife habitat and related research and management. The commissioner shall execute agreements for contracts with the matching parties under section 16B.06 prior to advancing any state funds. The agreement or contract shall contain provisions for return of the state's share and the matching funds within a period of time specified by the commissioner. The state's funds and the nonstate matching funds must be deposited in a separate account and expended solely for the purposes set forth in the agreement or contract. The commissioner shall enter into agreements or contracts only with the National Fish and Wildlife Foundation and federal and nonprofit authorities deemed by the commissioner to be dedicated to the purposes of the project.

Sec. 2. Minnesota Statutes 1992, section 86B.305, subdivision 1, is amended to read:

Subdivision 1. [UNDER AGE 13.] Except in case of an emergency, a person under age 13 may not operate or be allowed to operate a watercraft propelled by a motor with a factory rating of more than 24 30 horsepower unless there is present in the watercraft, in addition to the operator, the operator's parent or legal guardian or at least one person of the age 18 or older.

Sec. 3. Minnesota Statutes 1992, section 86B.305, subdivision 2, is amended to read:

Subd. 2. [AGE 13 TO 17; PERMIT REQUIRED.] Except as provided in this subdivision, a person age 13 or older and younger than age 18 may not operate a motorboat powered by a motor over 24 30 horsepower without

possessing a valid watercraft operator's permit from this state or from the operator's state of residence unless there is a person age 18 or older in the motorboat.

Sec. 4. Minnesota Statutes 1992, section 97A.015, is amended by adding a subdivision to read:

Subd. 26a. [IN-THE-ROUND.] "In-the-round" means fish with heads, tails, fins, skins, and scales intact.

Sec. 5. Minnesota Statutes 1992, section 97A.015, subdivision 49, is amended to read:

Subd. 49. [UNDRESSED BIRD.] "Undressed bird" means:

(1) a bird, excluding migratory waterfowl, pheasant, Hungarian partridge, or grouse, with feet and feathered head intact; or

(2) a migratory waterfowl with a fully feathered wing and head attached; or

(3) a pheasant, Hungarian partridge, or grouse with one leg and foot or the fully feathered head or wing intact.

Sec. 6. Minnesota Statutes 1992, section 97A.045, subdivision 7, is amended to read:

Subd. 7. [DUTY TO ENCOURAGE STAMP DESIGN AND PURCHASES.] (a) The commissioner shall encourage the purchase of:

(1) Minnesota migratory waterfowl stamps by nonhunters interested in the migratory waterfowl preservation and habitat development;

(2) pheasant stamps by persons interested in pheasant habitat improvement; and

(3) trout and salmon stamps by persons interested in trout and salmon stream and lake improvement.

(b) The commissioner shall make rules governing contests for selecting a design for each stamp.

Sec. 7. [97A.127] [FINANCING WATERFOWL DEVELOPMENT.]

The commissioner may use funds appropriated for fish and wildlife programs for the purpose of developing, preserving, restoring, and maintaining waterfowl breeding grounds in Canada under agreement or contract with any nonprofit organization dedicated to the construction, maintenance, and repair of projects that are acceptable to the governmental agency having jurisdiction over the land and water affected by the projects. The commissioner may execute agreements and contracts if the commissioner determines that use of the funds will benefit the migration of waterfowl into the state.

Sec. 8. Minnesota Statutes 1992, section 97A.531, is amended to read:

97A.531 [SHIPMENT OF WILD ANIMALS TAKEN IN CANADA.]

Subdivision 1. [SHIPPING COUPONS.] A person may ship, within or out of the state, wild animals lawfully taken and possessed in Canada and that have lawfully entered the state. The shipment must have the shipping coupons

required for a shipment originating in the province where the animals were taken.

Subd. 2. [CONDITION OF FISH.] Fish that are lawfully taken and possessed in Canada may must be brought into the state for filleting and packing and in-the-round. A violation of this subdivision is a misdemeanor, and in addition to any criminal penalty imposed, fish brought into or transported within the state contrary to this subdivision must be confiscated, and a penalty of \$10 for each fish must be imposed.

Subd. 3. [TRANSPORTATION.] Fish lawfully taken in Canada may be transported within the state or out of the state by a nonresident, and by a resident possessing a Minnesota angling license.

Subd. 4. [NOTICE.] Any advertisement of fishing resorts or facilities in Canada in printed or broadcast form originating or distributed within the state must contain a summary of the requirement of subdivision 2, and penalty for noncompliance.

Subd. 5. [CONDITIONS SUSPENDED.] The commissioner of natural resources may suspend the requirements of subdivisions 2, 3, and 4 whenever Canadian laws or regulations imposing certain fees known as DAVT, or the "daily angling validation tag" are repealed, rescinded, or modified.

Sec. 9. Minnesota Statutes 1992, section 97B.005, subdivision 2, is amended to read:

Subd. 2. [RESTRICTION ON AMMUNITION WHILE TRAINING.] A person that is training a dog afield and carrying a firearm may only have blank cartridges and shells in personal possession when the season is not open for any game bird, except as provided in subdivision 3.

Sec. 10. Minnesota Statutes 1992, section 97B.005, subdivision 3, is amended to read:

Subd. 3. [PERMITS FOR ORGANIZATIONS AND INDIVIDUALS TO USE GAME BIRDS AND FIREARMS.] The commissioner may issue special permits, without a fee, to organizations and individuals to use firearms and live ammunition on domesticated birds or banded game birds from game farms for holding field trials and training retrieving hunting dogs.

Sec. 11. Minnesota Statutes 1992, section 97B.041, is amended to read:

97B.041 [POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.]

A person may not possess a firearm or ammunition outdoors during the period beginning the tenth fifth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle and only short, long, and long rifle cartridges that are caliber of .22 inches;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

Sec. 12. Minnesota Statutes 1992, section 97B.045, is amended to read:
97B.045 [TRANSPORTATION OF FIREARMS.]

Subdivision 1. [RESTRICTIONS.] A person may not transport a firearm in a motor vehicle unless the firearm is:

(1) unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;

(2) unloaded and in the closed trunk of a motor vehicle; or

(3) a handgun carried in compliance with sections 624.714 and 624.715.

Subd. 2. [EXCEPTION FOR DISABLED PERSONS.] The restrictions in subdivision 1 do not apply to a disabled person if:

(1) the person possesses a permit under section 97B.055, subdivision 3;

(2) the person is participating in a hunt sponsored by a nonprofit organization under a permit from the commissioner or is hunting on property owned or leased by the person; and

(3) the firearm is not loaded in the chamber until the vehicle is stationary, or is a hinge action firearm with the action open until the vehicle is stationary.

Sec. 13. Minnesota Statutes 1992, section 97B.071, is amended to read:

97B.071 [RED OR BLAZE ORANGE REQUIREMENTS.]

A person may not hunt or trap during the open season in a zone or area where deer may be taken by firearms, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is bright red or blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square. *This section does not apply to migratory waterfowl hunters on waters of this state or in a stationary shooting location.*

Sec. 14. Minnesota Statutes 1992, section 97B.111, is amended to read:

97B.111 [SPECIAL FIREARM HUNTING SEASONS FOR PHYSICALLY DISABLED.]

Subdivision 1. [ESTABLISHMENT; REQUIREMENTS.] The commissioner may establish criteria, special seasons, and limits for persons who have a physical disability to take big game and small game with firearms and by archery in designated areas. A person hunting under this section who has a physical disability must have a verified statement of the disability by a licensed physician and must be participating in a program for physically disabled hunters sponsored by a nonprofit organization that is permitted under

subdivision 2. A license is not required for a person to assist a physically disabled person hunting during a special season under this section.

Subd. 2. [PERMIT FOR ORGANIZATION.] (a) The commissioner may issue a special permit without a fee to a nonprofit organization to provide an assisted hunting opportunity to physically disabled hunters. The assisted hunting opportunity may take place:

- (1) in areas designated by the commissioner under subdivision 1; or*
- (2) on private property or a licensed shooting preserve.*

(b) The sponsoring organization shall provide a physically capable person to assist each disabled hunter with safety-related aspects of hunting.

(c) The commissioner may impose reasonable permit conditions.

Sec. 15. Minnesota Statutes 1992, section 97B.211, subdivision 1, is amended to read:

Subdivision 1. [POSSESSION OF FIREARMS PROHIBITED.](a) Except as provided in paragraph (b), a person may not take big game by archery while in possession of a firearm.

(b) A person may take bear by archery while in possession of a handgun specified in section 97B.031, subdivision 1.

Sec. 16. Minnesota Statutes 1992, section 97B.301, subdivision 4, is amended to read:

Subd. 4. [TAKING TWO MORE THAN ONE DEER.] The commissioner may, by rule, allow a person to take ~~two more than one~~ deer. The commissioner shall prescribe the conditions for taking the ~~second~~ additional deer including:

- (1) taking by firearm or archery;*
- (2) obtaining ~~an~~ additional ~~license~~ licenses; and*
- (3) payment of a fee not more than the fee for a firearms deer license; and*
- (4) the total number of deer that an individual may take.*

Sec. 17. Minnesota Statutes 1992, section 97B.301, is amended by adding a subdivision to read:

Subd. 6. [RESIDENTS UNDER AGE 16 MAY TAKE DEER OF EITHER SEX.] (a) A resident under the age of 16 may take a deer of either sex. This subdivision does not authorize the taking of an antlerless deer by another member of a party under subdivision 3.

(b) This subdivision is repealed effective December 31, 1994.

Sec. 18. Minnesota Statutes 1992, section 97B.311, is amended to read:

97B.311 [DEER SEASONS AND RESTRICTIONS.]

(a) The commissioner may, by rule, prescribe restrictions and designate areas where deer may be taken. The commissioner may, by rule, prescribe the open seasons for deer within the following periods:

- (1) taking with firearms, other than muzzle-loading firearms, between November 1 and December 15;*

(2) taking with muzzle-loading firearms between September 1 and December 31; and

(3) taking by archery between September 1 and December 31.

(b) Notwithstanding paragraph (a), the commissioner may establish special seasons within designated areas between September 1 and January 15.

Sec. 19. Minnesota Statutes 1992, section 97B.621, subdivision 1, is amended to read:

Subdivision 1. [SEASON.] The statewide open season for raccoon may be ~~prescribed set by the commissioner between October 15 and December 31.~~

Sec. 20. Minnesota Statutes 1992, section 97B.901, is amended to read:

97B.901 [COMMISSIONER MAY REQUIRE TAGS ON FUR-BEARING ANIMALS.]

The commissioner may, by rule, require persons taking, *possessing, and transporting* fur-bearing animals to tag the animals ~~where they are taken~~. The commissioner shall prescribe the manner of issuance and the type of tag, which must show the year of issuance. The commissioner shall issue the tag, without a fee, upon request.

Sec. 21. Minnesota Statutes 1992, section 97B.911, is amended to read:

97B.911 [MUSKRAT SEASONS.]

The commissioner may establish open seasons *and restrictions* for taking muskrat ~~between October 25 and April 30. The open season in an area may not exceed 90 days. The commissioner may prescribe restrictions for the taking of muskrat.~~

Sec. 22. Minnesota Statutes 1992, section 97B.915, is amended to read:

97B.915 [MINK SEASONS.]

The commissioner may establish open seasons *and restrictions* for taking mink ~~between October 25 and April 30. The open season in an area may not exceed 90 days. The commissioner may prescribe restrictions for the taking of mink.~~

Sec. 23. Minnesota Statutes 1992, section 97B.921, is amended to read:

97B.921 [OTTER SEASONS.]

The commissioner may establish open seasons *and restrictions* for taking otter ~~between October 25 and April 30. Otter may be taken only by trapping and the taking is subject to restrictions prescribed by the commissioner.~~

Sec. 24. Minnesota Statutes 1992, section 97B.925, is amended to read:

97B.925 [BEAVER SEASONS.]

The commissioner may establish open seasons *and restrictions* for taking beaver ~~between October 25 and April 30. Beaver may be taken only by trapping and the taking is subject to restrictions prescribed by the commissioner.~~

Sec. 25. Minnesota Statutes 1992, section 97C.081, is amended by adding a subdivision to read:

Subd. 4. [ICE FISHING CONTEST IN CONJUNCTION WITH RAFFLE.] An organization that is permitted under this section and licensed by the lawful gambling control board to conduct raffles may conduct a raffle in conjunction with an ice fishing contest. The organization may sell a combined ticket for a single price for the ice fishing contest and raffle, provided that the combined ticket states in at least 8-point type the amount of the price that applies to the ice fishing contest and the amount that applies to the raffle. All other provisions of sections 349.11 to 349.23 apply to the raffle.

Sec. 26. Minnesota Statutes 1992, section 97C.375, is amended to read:

97C.375 [TAKING ROUGH FISH BY SPEARING OR ARCHERY.]

A resident or nonresident may take rough fish by spearing or archery during the times, in waters, and in the manner prescribed by the commissioner.

Sec. 27. Minnesota Statutes 1992, section 97C.515, is amended by adding a subdivision to read:

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

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

Sec. 28. Minnesota Statutes 1992, section 97C.701, subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER'S AUTHORITY.] The commissioner may by rule set size limits and prescribe conditions for the taking, possession, transportation, sale, and purchase of mussels.

Sec. 29. Minnesota Statutes 1992, section 97C.701, is amended by adding a subdivision to read:

Subd. 1a. [HAND-PICKING REQUIRED.] A person may only harvest mussels by hand-picking.

Sec. 30. Minnesota Statutes 1992, section 97C.705, subdivision 1, is amended to read:

Subdivision 1. [OPEN SEASON SEASONS.] (a) The open season for taking mussels is from May 16 to the last day of February.

(b) The commissioner may by rule restrict the open season for taking mussels for commercial purposes.

Sec. 31. Minnesota Statutes 1992, section 97C.711, is amended to read:

97C.711 [MUSSEL SIZE LIMITS UNDERSIZED MUSSELS.]

A person may not take mussels less than 1-3/4 inches in the greatest

~~dimension, except pigtoes.~~ A person must return undersized mussels to the water without injury.

Sec. 32. [REPEALER.]

Minnesota Statutes 1992, sections 97A.541; and 97C.701, subdivisions 2, 3, 4, and 5, are repealed.

Sec. 33. [EFFECTIVE DATE.]

Sections 2 and 3 are effective June 1, 1993. Section 8 is effective March 1, 1994."

Delete the title and insert:

"A bill for an act relating to game and fish; funding for wildlife habitat; defining terms; possession of firearms in deer zones; stamp design; financing waterfowl development; shipment of wild animals taken in Canada; training of hunting dogs; transportation of firearms by disabled hunters; clothing requirements; firearms permits for disabled; taking of deer; nonresident fish house license fees; seasons for taking raccoon, muskrat, mink, otter, and beaver; seasons for and tagging of fur-bearing animals; ice fishing contests in conjunction with raffles; rough fish taking by nonresidents; importation of minnows; taking, possession, transportation, sale, and purchase of mussels; use of certain appropriated funds; amending Minnesota Statutes 1992, sections 86B.305, subdivisions 1 and 2; 97A.015, subdivision 49, and by adding a subdivision; 97A.045, subdivision 7; 97A.531; 97B.005, subdivisions 2 and 3; 97B.041; 97B.045; 97B.071; 97B.111; 97B.211, subdivision 1; 97B.301, subdivision 4, and by adding a subdivision; 97B.311; 97B.621, subdivision 1; 97B.901; 97B.911; 97B.915; 97B.921; 97B.925; 97C.081, by adding a subdivision; 97C.375; 97C.515, by adding a subdivision; 97C.701, subdivision 1, and by adding a subdivision; 97C.705, subdivision 1; and 97C.711; proposing coding for new law in Minnesota Statutes, chapters 84; and 97A; repealing Minnesota Statutes 1992, sections 97A.541; and 97C.701, subdivisions 2, 3, 4, and 5."

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

House Conferees: (Signed) Bob Milbert, Irv Anderson, Charlie Weaver

Senate Conferees: (Signed) Charles A. Berg, Bob Lessard, Pat Pariseau

Mr. Berg moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1114 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1114 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Adkins	Berg	Dille	Hanson	Johnson, J.B.
Beckman	Bertram	Finn	Hottinger	Kelly
Belanger	Betzold	Flynn	Johnson, D.E.	Kiscaden
Benson, J.E.	Cohen	Frederickson	Johnson, D.J.	Krentz

Kroening	McGowan	Neuville	Pogemiller	Spear
Laidig	Merriam	Novak	Price	Stevens
Langseth	Metzen	Oliver	Ranum	Stumpf
Larson	Moe, R.D.	Olson	Robertson	Terwilliger
Lessard	Mondale	Pappas	Runbeck	Vickerman
Luther	Morse	Pariseau	Sams	Wiener
Marty	Murphy	Piper	Solon	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 988, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 988 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 14, 1993

CONFERENCE COMMITTEE REPORT ON H.F. NO. 988

A bill for an act relating to game and fish; allowing the taking of two deer in designated counties; amending Minnesota Statutes 1992, section 97B.301, subdivisions 2, 4, and by adding a subdivision.

May 12, 1993

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 988, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 988 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [AUTHORIZATION TO TAKE TWO DEER IN CERTAIN COUNTIES.]

Notwithstanding Minnesota Statutes, section 97B.301, subdivision 2, during the 1993 and 1994 hunting seasons, in Kittson, Lake of the Woods, Marshall, and Roseau counties a person may obtain one firearms deer license and one archery deer license in the same license year and may take one deer under each license.”

Delete the title and insert:

“A bill for an act relating to game and fish; allowing the taking of two deer in designated counties during the 1993 and 1994 hunting seasons.”

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

House Conferees: (Signed) Wally Sparby, Jim Tunheim, Brad Stanius

Senate Conferees: (Signed) LeRoy A. Stumpf, Bob Lessard, Dennis R. Frederickson

Mr. Stumpf moved that the foregoing recommendations and Conference Committee Report on H.F. No. 988 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 988 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 574, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 574 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 14, 1993

CONFERENCE COMMITTEE REPORT ON H.F. NO. 574

A bill for an act relating to retirement; administrative changes, age discrimination act compliance, death-while-active surviving spouse benefit improvements by the Minnesota state retirement system, the public employees retirement association, and teachers retirement association; amending Minnesota Statutes 1992, sections 3A.02, subdivision 1, and by adding a subdivision; 352.01, subdivisions 2b, and by adding a subdivision; 352.03, subdivisions 4, 4a, and 6; 352.04, subdivision 9; 352.113, subdivisions 2, 4,

and 7; 352.115, subdivision 8; 352.12, subdivisions 1, 2, 3, 4, 7, 10, and 13; 352.15, subdivision 1a, and by adding subdivisions; 352.22, subdivisions 1 and 2; 352.23; 352.85, subdivision 4; 352.93, subdivision 2a; 352.94; 352.95, subdivisions 1, 2, 3, and 5; 352.951; 352.96, subdivisions 3 and 4; 352B.01, subdivisions 3 and 11; 352B.08, subdivisions 1 and 2a; 352B.10, subdivisions 1, 2, and 5; 352B.101; 352B.105; 352B.11, subdivision 2; 352C.01; 352C.021; 352C.031; 352C.033; 352C.04; 352C.051; 352C.09; 352D.015, subdivision 4; 352D.02, subdivision 3, and by adding a subdivision; 352D.04, subdivision 1; 352D.05, subdivisions 1, 3, and 4; 352D.09, subdivision 5, and by adding subdivisions; 353.01, subdivisions 2, 2a, 2b, 6, 7, 10, 11a, 12, 16, 28, 31, 32, and by adding subdivisions; 353.017; 353.27, subdivision 7; 353.29, subdivision 1; 353.32, subdivision 1a; 353.33, subdivisions 1, 2, 3, 4, 6, 8, 11, and by adding a subdivision; 353.34, subdivisions 1 and 3; 353.35; 353.37; 353.64, subdivisions 1 and 5a; 353.656, subdivisions 1, 1a, 3, 5, and by adding subdivisions; 353A.08, subdivisions 1, 3, and 5; 353A.10, subdivision 4; 353B.11, subdivision 6; 353C.08, subdivisions 1 and 2; 353D.02; 353D.04; 353D.05, subdivision 3; 353D.07, subdivision 2; 354.35; 354.46, subdivisions 1 and 2; 354.48, subdivisions 3 and 10; 356.302, subdivisions 4 and 6; 356.453; 356.61; and 490.124, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 3A; repealing Minnesota Statutes 1992, sections 3A.06; 352.01, subdivision 7; 352.12, subdivision 5; 352.22, subdivision 9; 352.73; 352B.01, subdivision 2a; 352B.131; 352B.14; 352B.261; 352B.262; 352B.28; 352D.05, subdivision 5; and 353.656, subdivision 6.

May 12, 1993

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 574, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendments

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

House Conferees: (Signed) Leo J. Reding, Phyllis Kahn, Jerry Knickerbocker, Mindy Greiling, Bob Johnson

Senate Conferees: (Signed) LeRoy A. Stumpf, Phil J. Riveness, Roy W. Terwilliger, Steven Morse, Cal Larson

Mr. Stumpf moved that the foregoing recommendations and Conference Committee Report on H.F. No. 574 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 574 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Adkins	Frederickson	Kroening	Mondale	Ranum
Beckman	Hanson	Laidig	Morse	Robertson
Belanger	Hottinger	Langseth	Neuville	Runbeck
Benson, J.E.	Johnson, D.E.	Larson	Novak	Sams
Berg	Johnson, D.J.	Luther	Oliver	Solon
Bertram	Johnson, J.B.	Marty	Olson	Spear
Betzold	Johnston	McGowan	Pariseau	Stevens
Cohen	Kelly	Merriam	Piper	Stumpf
Dille	Kiscaden	Metzen	Pogemiller	Terwilliger
Finn	Krentz	Moe, R.D.	Price	Vickerman

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has 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. 1320: A bill for an act relating to education; requiring changes in college preparation requirements.

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

Olson, K.; Tunheim and Ness.

Senate File No. 1320 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 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. 532: A bill for an act relating to courts; conciliation court; adopting one body of law to govern conciliation courts; increasing the jurisdictional limit; amending Minnesota Statutes 1992, sections 481.02, subdivision 3; and 549.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 550; proposing coding for new law as Minnesota Statutes, chapter 491A; repealing Minnesota Statutes 1992, sections 487.30; 488A.12; 488A.13; 488A.14; 488A.15; 488A.16; 488A.17; 488A.29; 488A.30; 488A.31; 488A.32; 488A.33; and 488A.34; and Laws 1992, chapter 591, section 21.

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

Dawkins, Skoglund and Macklin.

Senate File No. 532 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 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. 1437: A bill for an act relating to utilities; requiring cooperative electric associations and municipal utilities to comply with standards set by public utilities commission relating to electrical current or voltage; regulating public utility commission procedures and filings; regulating affiliated interests of public utilities; providing for interim rates; providing that primary fuel source determines whether power generating plant is a large energy facility for purposes of certificate of need process; amending Minnesota Statutes 1992, sections 216B.09; 216B.16, subdivisions 1, 1a, 2, and 3; 216B.2421, subdivision 2, and by adding a subdivision; 216B.43; and 216B.48, subdivisions 1 and 4.

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

Jacobs, Jennings and Gruenes.

Senate File No. 1437 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 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. 413, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 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. 236, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 236: A bill for an act relating to domestic abuse; requiring a report on victims of domestic abuse and eligibility for unemployment compensation benefits.

Senate File No. 236 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 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. 512, and repassed said bill in accordance with the report of the Committee, so adopted.

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 14, 1993

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Kroening introduced—

Senate Resolution No. 46: A Senate resolution congratulating Kevin Wilson, Minneapolis, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Ms. Wiener moved that S.F. No. 1108, No. 12 on General Orders, be stricken and re-referred to the Committee on Commerce and Consumer Protection. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 639 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 639: A bill for an act relating to insurance; Medicare supplement; regulating coverages; conforming state law to federal requirements; making technical changes; amending Minnesota Statutes 1992, sections 62A.31, subdivisions 1, 4, and by adding a subdivision; 62A.315; 62A.316; 62A.318; 62A.36, subdivision 1; 62A.39; 62A.436; and 62A.44, subdivision 2; Laws 1992, chapter 554, article 1, section 18.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Mr. Chmielewski moved that S.F. No. 192 be taken from the table. The motion prevailed.

S.F. No. 192: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Aitkin county.

CONCURRENCE AND REPASSAGE

Mr. Chmielewski moved that the Senate concur in the amendments by the House to S.F. No. 192 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 192: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited and other state land that borders public water in Aitkin county.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 50 and nays 4, as follows:

Those who voted in the affirmative were:

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

Ms. Johnston, Messrs. Merriam, Oliver and Ms. Robertson voted in the negative.

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 653 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

May 14, 1993

The Honorable Allan H. Spear
President of the Senate

The Honorable Dee Long
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 653, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 653 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 164.08, subdivision 2, is amended to read:

Subd. 2. [MANDATORY ESTABLISHMENT; CONDITIONS.] Upon petition presented to the town board by the owner of a tract of land containing at least five acres, who has no access thereto except over the lands of others, or whose access thereto is less than two rods in width, the town board by resolution shall establish a cartway at least two rods wide connecting the petitioner's land with a public road. *The town board may select an alternative route other than that petitioned for if the alternative is deemed by the town board to be less disruptive and damaging to the affected landowners and in the public's best interest.* In an unorganized territory, the board of county commissioners of the county in which the tract is located shall act as the town board. The proceedings of the town board shall be in accordance with section 164.07. The amount of damages shall be paid by the petitioner to the town before such cartway is opened. For the purposes of this subdivision damages shall mean the compensation, if any, awarded to the owner of the land upon which the cartway is established together with the cost of professional and other services which the town may incur in connection with the proceedings for the establishment of the cartway. The town board may by resolution require the petitioner to post a bond or other security acceptable to the board for the total estimated damages before the board takes action on the petition.

Town road and bridge funds shall not be expended on the cartway unless the town board, or the county board acting as the town board in the case of a cartway established in an unorganized territory, by resolution determines that an expenditure is in the public interest. If no resolution is adopted to that effect, the grading or other construction work and the maintenance of the cartway is the responsibility of the petitioner, subject to the provisions of section 164.10. After the cartway has been constructed the town board, or the county board in the case of unorganized territory, may by resolution designate the cartway as a private driveway with the written consent of the affected landowner in which case from the effective date of the resolution no town road and bridge funds shall be expended for maintenance of the driveway; provided that the cartway shall not be vacated without following the vacation proceedings established under section 164.07.

Sec. 2. [ESTABLISHMENT OF AN OFFICE OF DEPUTY REGISTRAR OF MOTOR VEHICLES IN DEER RIVER.]

Notwithstanding Minnesota Statutes, section 168.33, and rules adopted by the commissioner of public safety, limiting sites for the office of deputy registrar, the Itasca county auditor may, with the approval of the registrar of motor vehicles, appoint an officer or employee of the city of Deer River to operate a registration and motor vehicle tax collection bureau in the city of Deer River. All other provisions regarding the appointment and operation of a deputy registrar office under Minnesota Statutes, section 168.33, and Minnesota Rules, chapter 7406, apply to the office.

Sec. 3. [EFFECTIVE DATE.]

Section 2 shall become effective the day following final enactment without local approval as provided in Minnesota Statutes, section 645.023, subdivision 1, paragraph (a)."

Delete the title and insert:

"A bill for an act relating to local government; providing conditions for the establishment of town roads; providing for a deputy registrar of motor vehicles; amending Minnesota Statutes 1992, section 164.08, subdivision 2."

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

Senate Conferees: (Signed) Bob Lessard, Steve Dille

House Conferees: (Signed) Irv Anderson, Loren A. Solberg, Kevin Goodno

Mr. Lessard moved that the foregoing recommendations and Conference Committee Report on S.F. No. 653 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 653 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 39 and nays 16, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Mondale	Samuelson
Beckman	Dille	Krentz	Morse	Solon
Berg	Finn	Kroening	Murphy	Stevens
Berglin	Flynn	Laidig	Novak	Stumpf
Bertram	Hanson	Lessard	Pariseau	Terwilliger
Chandler	Hottinger	Luther	Piper	Vickerman
Chmielewski	Johnson, D.J.	Marty	Pogemiller	Wiener
Cohen	Johnson, J.B.	Moe, R.D.	Sams	

Those who voted in the negative were:

Belanger	Frederickson	Kiscaden	McGowan	Olson
Benson, D.D.	Johnson, D.E.	Larson	Neuville	Ranum
Benson, J.E.	Johnston	Lesewski	Oliver	Runbeck
Betzold				

So the bill, as amended by the Conference Committee, was repassed 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 that the House refuses to concur in the Senate amendments to House File No. 427:

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

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

Winter; Rest; Long; Anderson, I. and Osthoff have been appointed as such committee on the part of the House.

House File No. 427 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 13, 1993

Ms. Pappas moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 427, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 31:

H.F. No. 31: A bill for an act relating to state government; providing for gender balance in multimember agencies; amending Minnesota Statutes 1992, section 15.0597, by adding subdivisions.

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

Kahn, Evans and Orenstein have been appointed as such committee on the part of the House.

House File No. 31 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 14, 1993

Ms. Pappas moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 31, 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.

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:

H.F. No. 514: Messrs. Novak, Morse and Dille.

S.F. No. 869: Messrs. Lessard, Chmielewski and Frederickson.

H.F. No. 1529: Messrs. Pogemiller, Stumpf and Morse.

H.F. No. 427: Ms. Pappas, Mr. Johnson, D.J.; Meses. Flynn, Reichgott and Mr. Belanger.

H.F. No. 1225: Messrs. Morse, Bertram and Ms. Krentz.

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

RECONSIDERATION

Mr. Beckman moved that the vote whereby H.F. No. 10 was passed by the Senate on May 14, 1993, be now reconsidered. The motion prevailed.

Mr. Beckman then moved that H.F. No. 10 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS – CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mrs. Benson, J.E.; Ms. Ranum, Messrs. Johnson, D.E.; McGowan and Merriam introduced—

S.F. No. 1648: A resolution memorializing the President and Congress to enact the Children's Violence Protection Act of 1993.

Referred to the Committee on Crime Prevention.

Mr. Marty, Ms. Wiener, Messrs. Moe, R.D.; Murphy and Morse introduced—

S.F. No. 1649: A bill for an act relating to state government; requiring disclosure by legislators and agency heads of certain expense reimbursements; proposing coding for new law in Minnesota Statutes, chapter 15A.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Johnson, D.E.; McGowan and Mrs. Pariseau introduced—

S.F. No. 1650: A bill for an act relating to campaign reform; limiting noncampaign disbursements to items specified by law; requiring lobbyists and political committees and funds to include their registration number on contributions; prohibiting certain "friends of" committees; requiring reports by certain solicitors of campaign contributions; limiting certain contributions; changing the judicial ballot; regulating related committees; changing expenditure limits; limiting use of contributions carried forward; requiring unused postage to be carried forward as an expenditure; requiring certain notices; changing contribution limits; limiting contributions by political parties; prohibiting transfers from one candidate to another, with certain exceptions; limiting contributions by certain political committees, funds, and individuals; eliminating public subsidies to unopposed candidates; changing requirements for the income tax check-off; clarifying filing requirements for candidate agreements and the duration of the agreements; providing for distribution of public subsidies; requiring return of public subsidies under certain conditions; prohibiting political contributions by certain nonprofit corporations and partnerships; requiring certain reports; providing transition language; defining certain terms; clarifying certain language; imposing penalties; appropriating money; amending Minnesota Statutes 1992, sections 10A.01, subdivisions 10b, 10c, 13, and by adding subdivisions; 10A.04, by adding a subdivision; 10A.065, subdivisions 1 and 5; 10A.14, subdivision 2; 10A.15, by adding subdivisions; 10A.16; 10A.17, subdivisions 4 and 5; 10A.19, subdivision 1; 10A.20, subdivisions 2, 3, and by adding subdivisions; 10A.24, subdivision 1; 10A.25, subdivisions 2, 6, 10, and by adding subdivisions; 10A.27, subdivisions 1, 2, 9, and by adding subdivisions; 10A.28, subdivision 2;

10A.31, subdivisions 3a, 6, 7, 10, and by adding a subdivision; 10A.315; 10A.322, subdivisions 1 and 2; 10A.323; 10A.324, subdivisions 1, 3, and by adding a subdivision; 204B.36, subdivision 4; 211B.12; 211B.15; and 290.06, subdivision 23; proposing coding for new law in Minnesota Statutes, chapter 211A; repealing Minnesota Statutes 1992, sections 10A.27, subdivision 6; 10A.31, subdivisions 8 and 9; 488A.021, subdivision 3; and 488A.19, subdivision 2.

Referred to the Committee on Ethics and Campaign Reform.

Mr. Merriam introduced—

S.F. No. 1651: A bill for an act relating to local government; requiring publicly owned or leased motor vehicles to be identified; proposing coding for new law in Minnesota Statutes, chapter 471.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Knutson, Betzold, Ms. Robertson, Messrs. Spear and Neuville introduced—

S.F. No. 1652: A bill for an act relating to collection and dissemination of data; enacting the uniform criminal history records act; prescribing penalties; amending Minnesota Statutes 1992, section 13.82, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 13D; repealing Minnesota Statutes 1992, section 13.87.

Referred to the Committee on Crime Prevention.

Messrs. Lessard and Chmielewski introduced—

S.F. No. 1653: A bill for an act relating to capital improvements; appropriating money for the Long Lake conservation center in Aitkin county; authorizing the sale of state bonds.

Referred to the Committee on Finance.

Ms. Runbeck introduced—

S.F. No. 1654: A bill for an act relating to the legislature; requiring business impact notes for bills affecting business; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Rules and Administration.

Messrs. Kelly, Chmielewski, Langseth, Berg and Larson introduced—

S.F. No. 1655: A bill for an act relating to judgments; providing for the withholding of conciliation court judgments from tax refunds; amending Minnesota Statutes 1992, sections 13.69, subdivision 1; 270B.14, by adding a subdivision; and 289A.50, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 487.

Referred to the Committee on Judiciary.

Messrs. Hottinger, Morse, Ms. Wiener, Mr. Johnson, D.E. and Ms. Runbeck introduced—

S.F. No. 1656: A bill for an act relating to workers' compensation; providing for insurance regulation; regulating benefits; appropriating money; amending Minnesota Statutes 1992, sections 79.50; 79.51, subdivisions 1 and 3; 79.53, subdivision 1; 79.55, subdivisions 2, 5, and by adding subdivisions; 79.56, subdivisions 1 and 3; 176.021, subdivisions 3 and 3a; 176.101, subdivisions 1, 3g, 3l, 3m, 3o, 3q, 4, and 5; 176.645, subdivision 1; and 176.66, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 79; repealing Minnesota Statutes 1992, sections 79.53, subdivision 2; 79.54; 79.56, subdivision 2; 79.57; 79.58; and 176.132, subdivisions 1 and 2.

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

Messrs. Chmielewski, Sams, Mmes. Adkins; Benson, J.E. and Pariseau introduced—

S.F. No. 1657: A bill for an act relating to abortions; providing rules for informed consent; providing for certain civil damages; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health Care.

Mr. Beckman introduced—

S.F. No. 1658: A bill for an act relating to corrections; requiring approval of commissioner of corrections before a defendant awaiting sentencing may be committed to the commissioner's custody; amending Minnesota Statutes 1992, section 609.115, subdivision 1.

Referred to the Committee on Crime Prevention.

MOTIONS AND RESOLUTIONS – CONTINUED

S.F. No. 1320 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1320

A bill for an act relating to education; requiring changes in college preparation requirements.

May 14, 1993

The Honorable Allan H. Spear
President of the Senate

The Honorable Dee Long
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1320, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1320 be further amended as follows:

Page 1, after line 4, insert:

“Section 1. Minnesota Statutes 1992, section 129C.10, is amended by adding a subdivision to read:

Subd. 3b. [APPEAL.] A parent who disagrees with a board action that adversely affects the academic program of an enrolled pupil may appeal the board's action to the commissioner of education within 30 days of the board's action. The decision of the commissioner shall be binding on the board. The board shall inform each pupil and parent at the time of enrolling of a parent's right to appeal a board action affecting the pupil's academic program.”

Renumber the sections in sequence

Delete the title and insert:

“A bill for an act relating to education; requesting consultation on, and requiring consideration of content about, college preparation courses; providing an appeal procedure; amending Minnesota Statutes 1992, section 129C.10, by adding a subdivision.”

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

Senate Conferées: (Signed) Steve L. Murphy, Jerry R. Janezich, Lawrence J. Pogemiller

House Conferées: (Signed) Katy Olson, Jim Tunheim, Robert Ness

Mr. Murphy moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1320 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1320 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Ms. Ranum moved that the following members be excused for a Conference Committee on S.F. No. 976 from 2:00 to 6:00 p.m.:

Ms. Ranum, Messrs. Knutson and Merriam. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Stumpf moved that the following members be excused for a Conference Committee on H.F. No. 1407 from 3:30 to 4:00 p.m.:

Mr. Stumpf, Ms. Wiener, Mr. Price, Mrs. Benson, J.E. and Mr. Solon. The motion prevailed.

MEMBERS EXCUSED

Messrs. Kroening and Cohen were excused from the Session of today from 8:00 to 8:40 a.m. Mr. Solon was excused from the Session of today from 8:00 to 8:55 a.m. Mr. Pogemiller was excused from the Session of today from 8:00 to 8:55 a.m. and 3:45 to 4:15 p.m. Messrs. Riveness and Laidig were excused from the Session of today from 8:00 to 9:00 a.m. Mr. Novak was excused from the Session of today from 8:00 to 9:30 and 10:00 to 10:15 a.m. Mr. Benson, D.D. was excused from the Session of today from 8:00 to 8:40 a.m. and 11:10 a.m. to 12:30 p.m. Ms. Wiener was excused from the Session of today from 8:00 to 8:35 a.m. Ms. Reichgott was excused from the Session of today from 8:00 to 10:00 a.m. and at 5:45 p.m. Mr. Johnson, D.J. was excused from the Session of today from 8:00 to 10:15 a.m. and 3:55 to 4:20 p.m. Mr. Samuelson was excused from the Session of today from 8:00 to 10:00 a.m. Mr. Vickerman was excused from the Session of today from 8:00 to 9:45 a.m. Mr. Finn was excused from the Session of today from 10:00 to 10:15 a.m. Ms. Ranum was excused from the Session of today from 10:30 to 10:45 a.m. Mr. Spear was excused from the Session of today from 8:00 to 9:25 a.m. Ms. Berglin was excused from the Session of today from 11:10 a.m. to 12:30 p.m. Ms. Kiscaden was excused from the Session of today from 11:25 a.m. to 12:40 p.m. and from 4:40 to 5:45 p.m. Mr. Kelly was excused from the Session of today from 8:00 to 11:45 a.m. Mr. Murphy was excused from the Session of today from 3:00 to 4:00 p.m. Ms. Anderson was excused from the Session of today from 4:00 to 4:45 p.m. Mr. Metzen was excused from the Session of today from 4:00 to 5:00 p.m. Mr. Lessard was excused from the Session of today from 5:30 to 6:00 p.m. Mr. Janezich was excused from the Session of today at 5:45 p.m. Mr. Morse was excused from the Session of today from 11:40 a.m. to 12:00 noon. Mr. Price was excused from the Session of today from 5:55 to 6:35 p.m. Mr. Laidig was excused from the Session of today from 8:00 to 9:00 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Saturday, May 15, 1993. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate