

## SEVENTY-SEVENTH DAY

St. Paul, Minnesota, Thursday, March 24, 1994

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

### CALL OF THE SENATE

Ms. Flynn 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. Erwin C. Barron.

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

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 Junge	
Day	Knutson	Mondale	Riveness	
Dille	Krentz	Morse	Robertson	

The President declared a quorum present.

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

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 22, 1994

The Honorable Irv Anderson  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1994 Session of the State Legislature have been received from the Office of the

Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1994	Date Filed 1994
	2213	376	11:43 a.m. March 22	March 22
	1863	377	11:41 a.m. March 22	March 22

Sincerely,  
Joan Anderson Growe  
Secretary of State

### REPORTS OF COMMITTEES

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

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 1823: A bill for an act relating to government data practices; listing provisions codified outside the government data practices act that limit access to data; amending Minnesota Statutes 1992, section 13.99, subdivisions 7, 39, 45, 53, 60, 71, and by adding subdivisions.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 1700: A resolution memorializing the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

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

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 1784: A bill for an act relating to insurance; requiring disclosure of information relating to insurance fraud; granting immunity for reporting suspected insurance fraud; requiring insurers to develop antifraud plans; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 60A.

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

Page 1, line 26, delete “, incomplete,”

Page 2, line 1, after “information” insert “or a material and misleading omission”

Page 3, line 21, after "*release*" insert "*or reporting*"

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

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 2067: A bill for an act relating to the lottery; authorizing and regulating the use of video lottery machines for the play of poker, keno, slots, and bingo; regulating video lottery manufacturers, distributors, operators, and licensed establishments; authorizing the use of pull-tab dispensing devices; prescribing penalties; establishing fees; providing rulemaking, including exempt rulemaking; amending Minnesota Statutes 1992, sections 349.12, subdivision 18; 349.13; 349.151, subdivision 4; and 349A.13; proposing coding for new law in Minnesota Statutes, chapter 349A.

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

Page 4, line 3, after "*means*" insert "(1)"

Page 4, line 4, after "*liquor*" insert "*or 3.2 percent malt liquor*"

Page 4, line 5, after "*sold*" insert "*, or (2) an establishment licensed as a bingo hall under chapter 349*"

Page 5, line 34, delete from "*The*" through page 5, line 35, to "*14.*"

Page 6, line 23, delete from "*, excluding*" through page 6, line 25, to "*year*"

Page 9, line 6, delete "*the duration of the*" and insert "*a period of two years after the date of enactment.*"

Page 9, delete lines 7 and 8

Page 10, line 19, delete from "*has*" through page 10, line 28, to "*299L.07*" and insert "*is not qualified to be licensed according to the provisions of section 349.161*"

Page 12, line 4, delete "*No*" and insert "*A*"

Page 12, line 7, delete the first "*or*" and insert "*and may*"

Page 12, line 8, delete "*except*" and insert "*but only*"

Page 13, line 8, after the period, insert "*A maintenance worker must report to an operator any break or tear in a sealed tape and specify whether the break or tear occurred during the maintenance worker's inspection or repair.*"

Page 15, line 30, after the period, insert "*If more than one organization conducts lawful gambling in a licensed establishment, each organization is entitled to ten percent of the net machine income.*"

Page 16, line 3, delete the first "*the*"

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

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

S.F. No. 1759: A bill for an act relating to corrections; requiring certain correctional facility personnel to participate in educational programs relating to mental health of inmates; prescribing powers and duties of the commissioners of corrections and human services; amending Minnesota Statutes 1992, section 241.69, subdivision 1.

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

Delete everything after the enacting clause and insert:

“Section 1. [INMATE MENTAL HEALTH TRAINING STUDY.]

*Subdivision 1. [STUDY.] The commissioners of corrections and human services shall convene a group to evaluate current training programs and practices relating to appropriate identification, care, and treatment of inmates who are mentally ill for correctional staff who have direct contact with inmates. The study group shall determine whether current practices are appropriate and sufficient to help correctional staff identify and understand mental illness and treatment issues. The study group shall:*

*(1) make a specific recommendation whether correctional staff who have direct contact with inmates should be required to attend continuing education on mental health issues; and*

*(2) develop a plan for addressing inmate mental health issues, including early intervention.*

*Subd. 2. [PARTICIPANTS.] In convening the study group, the commissioners shall include representatives of the following:*

*(1) the ombudsman for corrections;*

*(2) mental health experts;*

*(3) mental health advocates;*

*(4) inmate advocates; and*

*(5) correctional officers.*

*Subd. 3. [REPORT.] The study group shall submit a joint report to the chairs of the senate crime prevention committee and the house of representatives judiciary committee and the chairs of the senate health care committee and the house of representatives health and human services committee by December 15, 1994, with its recommendations.*

Sec. 2. [INMATE HIV/AIDS TRAINING STUDY.]

*Subdivision 1. [STUDY.] The commissioners of corrections and health shall convene a group to evaluate current training programs and practices relating to appropriate identification, care, and treatment of inmates who are affected with HIV/AIDS for correctional staff who have direct contact with inmates. The study group shall determine whether current practices are appropriate and sufficient to help correctional staff identify and understand HIV/AIDS issues. The study group shall:*

*(1) make a specific recommendation whether correctional staff who have direct contact with inmates should be required to attend continuing education on HIV/AIDS issues; and*

(2) develop a plan for addressing inmate HIV/AIDS issues, including prevention and education, early intervention, health care, release preparations, and risks of discrimination and harassing treatment.

Subd. 2. [PARTICIPANTS.] In convening the study group, the commissioners shall include representatives of the following:

- (1) the ombudsman for the department of corrections;
- (2) the ombudsman for the department of health;
- (3) HIV/AIDS advocates;
- (4) inmate advocates; and
- (5) correctional officers.

Subd. 3. [REPORT.] The study group shall submit a joint report to the chairs of the senate crime prevention committee and the house of representatives judiciary committee and the chairs of the senate health care committee and the house of representatives health and human services committee by December 15, 1994, with their recommendations."

Delete the title and insert:

"A bill for an act relating to corrections; requiring a study of the need for training of correctional staff regarding mental health needs of inmates; requiring a study of the need for training of correctional staff regarding HIV/AIDS issues."

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 1802: A bill for an act relating to transportation; changing eligibility requirements for distribution of funds from the town road account; amending Minnesota Statutes 1993 Supplement, section 162.081, subdivision 4.

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2013: A bill for an act relating to taxation; motor fuels; providing for the disposition of unrefunded gasoline tax attributable to off-highway motorcycle use; amending Minnesota Statutes 1992, section 296.16, subdivision 1; Minnesota Statutes 1993 Supplement, section 84.794, subdivision 1.

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

Page 2, lines 22 and 27, delete "..." and insert "0.046"

Page 2, after line 29, insert:

"Sec. 3. [EFFECTIVE DATE.]

*Sections 1 and 2 are effective July 1, 1994, and section 2 applies to gasoline received or produced in or brought into this state on and after that date."*

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2415: A bill for an act relating to traffic regulations; increasing from \$500 to \$1,000 the threshold level of reportable motor vehicle accidents; amending Minnesota Statutes 1993 Supplement, section 169.09, subdivision 7.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 1807: A bill for an act relating to motor vehicles; authorizing special license plates for vehicles owned by volunteer ambulance drivers; amending Minnesota Statutes 1992, section 168.12, by adding a subdivision.

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2006: A bill for an act relating to taxation; motor fuels; establishing permit system for alternate fuel vehicles; setting permit fees based on vehicle weight; amending Minnesota Statutes 1993 Supplement, sections 296.02, subdivision 1a; and 296.025, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 296.

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2035: A bill for an act relating to traffic regulations; allowing any city to establish citizen enforcement programs to enforce vehicle parking laws relating to the physically disabled; amending Minnesota Statutes 1993 Supplement, section 169.346, subdivision 4.

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was re-referred

S.F. No. 1968: A bill for an act relating to veterans; extending eligibility for special veterans' license plates to allied veterans; amending Minnesota Statutes 1992, section 168.123, subdivisions 1 and 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2178: A bill for an act relating to taxation; exempting transit providers receiving reimbursement for transporting persons needing medical assistance from payment of excise tax on gasoline; amending Minnesota Statutes 1993 Supplement, section 296.02, subdivision 1a.

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 1816: A bill for an act relating to motor carriers; amending and eliminating the repeal of regulations related to personal transportation service providers; defining terms and setting requirements related to personal transportation service; increasing a fee; amending Minnesota Statutes 1992, sections 168.1281, subdivisions 1, 2, and by adding a subdivision; 221.011, subdivision 34; and 221.85, subdivision 3, and by adding a subdivision; Minnesota Statutes 1993 Supplement, section 168.011, subdivision 36; Laws 1993, chapter 323, section 5; repealing Minnesota Statutes 1993 Supplement, section 168.1281, subdivision 4; Laws 1992, chapter 578, section 56; Laws 1993, chapter 323, sections 3 and 4.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 168.011, subdivision 36, is amended to read:

Subd. 36. [PERSONAL TRANSPORTATION SERVICE VEHICLE.] *"Personal transportation service vehicle" is a means an unmarked passenger vehicle, other than a taxicab licensed by a municipality or other vehicle equipped with a meter, that has a seating capacity of up to six persons excluding the driver, or a van or station wagon with a seating capacity of up to 42 14 persons excluding the driver, that provides personal transportation service as defined in section 221.011, subdivision 34. For purposes of this subdivision, "unmarked" means without visible numbers, letters, symbols, graphic representations, or advertising, but does not include any means of identification required by federal law or rules adopted by the commissioner of transportation under section 221.85.*

Sec. 2. Minnesota Statutes 1992, section 168.1281, subdivision 1, is amended to read:

Subdivision 1. [LICENSE PLATES.] A person who operates a personal transportation service vehicle shall apply to register the vehicle as provided in this section. The registrar shall issue personal transportation service plates *after determining that the vehicle meets the definition in section 168.011, subdivision 36, and on the applicant's compliance with laws relating to registration and licensing of motor vehicles and drivers, and certification by*

the owner that an insurance policy meeting the requirements of subdivision 2 is in effect for the entire period of registration. *After the effective date of rules adopted by the commissioner of transportation under section 221.85, subdivision 1, personal transportation service plates shall be issued only after the applicant obtains a valid permit to provide personal transportation service issued under section 221.85 and presentation of a valid safety certificate, described under section 221.85, subdivision 1.* The applicant must provide the registrar with proof that the passenger automobile license tax and a \$10 fee have been paid for each vehicle receiving personal transportation service license plates. The registrar shall design personal transportation service license plates so that the plates identify the vehicle as a personal transportation service vehicle, and clearly display the letters "LS." Personal transportation service license plates issued to a vehicle may not be transferred to another vehicle, except that they may be transferred to another personal transportation service vehicle owned by the same owner on notification to the registrar, *presentation of a valid safety certificate, described under section 221.85, subdivision 1, and payment of a \$5 transfer fee.*

Sec. 3. Minnesota Statutes 1992, section 168.1281, subdivision 2, is amended to read:

Subd. 2. [INSURANCE.] An application under subdivision 1 must include a certificate of insurance that (1) verifies that a valid commercial *for-hire* insurance policy is in effect, and (2) gives the name of the insurance company and the number of the policy. The policy must provide stated limits of liability, exclusive of interest and costs, with respect to each vehicle for which coverage is granted, of (1) not less than ~~\$100,000~~ \$250,000 because of bodily injury to one person in any one accident, (2) subject to the limit for one person, not less than ~~\$300,000~~ \$500,000 because of injury to two or more persons in any one accident, and (3) not less than \$100,000 because of injury to or destruction of property. *The certificate of insurance, or attached policy endorsement must require the named insurance company must to notify the commissioner if the policy is canceled or if the policy no longer provides the coverage required by this subdivision.*

Sec. 4. Minnesota Statutes 1992, section 168.1281, is amended by adding a subdivision to read:

Subd. 5. [RECALL OF LICENSE PLATES.] *Upon determining that personal transportation service license plates have been issued to a vehicle that does not meet the definition in section 168.011, subdivision 36, that a personal transportation service vehicle is no longer covered by a valid insurance policy as required by subdivision 2, or that the operator of the personal transportation vehicle does not possess a valid permit issued under section 221.85, subdivision 3, the commissioner shall immediately notify the registered owner of the vehicle that the license plates must be surrendered. The owner shall then immediately surrender the license plates to the commissioner. Upon surrender of the license plates, the registrar shall issue appropriate alternate license plates to the vehicle's registered owner without cost.*

Sec. 5. Minnesota Statutes 1992, section 221.011, subdivision 34, is amended to read:

Subd. 34. [PERSONAL TRANSPORTATION SERVICE.] "Personal transportation service" means service that:

- (1) is not provided on a regular route;



(2) is provided in a personal transportation service vehicle as defined in section 168.011, subdivision 36; and

(3) is not metered for the purpose of determining fares;

(4) provides is prearranged pickup of passengers;

(5) charges more than a taxicab fare for a comparable trip at the initiation and request of a passenger or passenger's representative before pickup.

Sec. 6. Minnesota Statutes 1992, section 221.85, subdivision 1, is amended to read:

Subdivision 1. [PERMIT REQUIRED; RULES.] No person may provide personal transportation service for hire without having obtained a personal transportation service permit from the commissioner. The commissioner shall adopt rules governing the issuance of permits and furnishing of personal transportation service. The rules must provide for:

(1) annual inspections of vehicles, including the designation of authorized inspection facilities throughout the state for the purposes of conducting periodic vehicle safety inspections, on behalf of the state and at the expense of the applicant, and the issuance of safety certificates which shall be required before issuance or renewal of a license plate under section 168.1281, subdivision 1;

(2) driver qualifications including requiring a criminal history check of drivers;

(3) insurance requirements;

(4) advertising regulations, including requiring a copy of the permit to be carried in the personal transportation service vehicle and the use of the words "licensed and insured";

(5) agreements with political subdivisions for sharing enforcement costs with the state;

(6) issuance of temporary permits and fees therefor; and

(7) other requirements the commissioner deems necessary to carry out the purposes of this section.

Sec. 7. Minnesota Statutes 1992, section 221.85, is amended by adding a subdivision to read:

Subd. 1a. [GENERAL REQUIREMENTS.] A personal transportation service provider:

(1) may not solicit an individual, or individuals to form a group, for the purpose of transporting them;

(2) must keep a written log of reservations for personal transportation service and actual services provided, including the times and locations of the reservations and services; and

(3) must keep the logs on file, and available for inspection by the commissioner, for a period of two years.

Sec. 8. Minnesota Statutes 1992, section 221.85, subdivision 3, is amended to read:

Subd. 3. [PERMITS; DECALS.] (a) The commissioner shall design a

distinctive decal to be issued to permit holders under this section. A decal is valid for one year from the date of issuance. No person may provide personal transportation service in a personal transportation service vehicle that does not conspicuously display a decal issued under this subdivision.

(b) ~~From August 1, 1992, to June 30, 1993, the fee for each decal issued under this section is \$150. On and after July 1, 1993, The fee for each decal issued under this section is \$80. The fee for each permit issued under this section is \$150 \$500. The commissioner shall deposit all fees under this subdivision in the trunk highway fund.~~

Sec. 9. Laws 1993, chapter 323, section 5, is amended to read:

Sec. 5. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment. ~~Sections 3 and 4 are effective August 1, 1994.~~

Sec. 10. [TRANSITION.]

*A person providing personal transportation service as defined in section 5, in a personal transportation service vehicle as defined in section 1, on the day following final enactment may continue to provide personal transportation service in the vehicle without a permit under Minnesota Statutes, section 221.85, subdivision 1, until the effective date of the final rules adopted by the commissioner under that section, except that 30 days following final enactment personal transportation vehicles must be covered by a valid commercial for-hire insurance policy in the amounts specified in section 3.*

Sec. 11. [REPEALER.]

(a) *Minnesota Statutes 1993 Supplement, section 168.1281, subdivision 4, is repealed.*

(b) *Laws 1992, chapter 578, section 56, is repealed.*

(c) *Laws 1993, chapter 323, sections 3 and 4, are repealed.*

Sec. 12. [EFFECTIVE DATE.]

*Sections 1, 2, and 4 to 11 are effective the day following final enactment. Section 3 is effective 30 days following the date of final enactment."*

Amend the title as follows:

Page 1, line 9, delete the second "subdivision" and insert "subdivisions 1,"

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2510: A bill for an act relating to traffic regulations; regulating use and operation of Head Start school buses; amending Minnesota Statutes 1992, sections 169.01, by adding a subdivision; 169.28, subdivision 1; 169.441, subdivisions 2 and 4; 169.442, subdivision 5; 169.443, subdivisions 5 and 6; 169.447; 169.448, subdivisions 1 and 3; 169.451; 169.64, subdivision 8; 169.781, subdivision 1; 169.87, subdivision 3; 171.01, by adding a subdivision; 171.3215; 221.011, subdivision 21; and 631.40, subdivision 1a; Minne-

sota Statutes 1993 Supplement, sections 171.321, subdivision 2; 221.025; and 221.031, subdivision 3b.

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

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

H.F. No. 1496: A bill for an act relating to health; clarifying the scope of confidentiality of records of review organizations; including preferred provider organizations in definition of review organizations; amending Minnesota Statutes 1992, sections 145.61, subdivision 5, and by adding a subdivision; and 145.64, subdivision 1.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 145.61, is amended by adding a subdivision to read:

*Subd. 4c. [PREFERRED PROVIDER ORGANIZATION.] “Preferred provider organization” means an organization that contracts with insurance carriers or other entities to arrange a network of health care providers whose services are offered to the insureds or other covered persons.*

Sec. 2. Minnesota Statutes 1992, section 145.61, subdivision 5, is amended to read:

Subd. 5. “Review organization” means a nonprofit organization acting according to clause (k) or a committee whose membership is limited to professionals, administrative staff, and consumer directors, except where otherwise provided for by state or federal law, and which is established by *one or more of the following*: a hospital, ~~by~~ a clinic, ~~by~~ a nursing home, ~~by~~ one or more state or local associations of professionals, ~~by~~ an organization of professionals from a particular area or medical institution, ~~by~~ a health maintenance organization as defined in chapter 62D, ~~by~~ a nonprofit health service plan corporation as defined in chapter 62C, *a preferred provider organization*, ~~by~~ a professional standards review organization established pursuant to United States Code, title 42, section 1320c-1 et seq., ~~or by~~ a medical review agent established to meet the requirements of section 256B.04, subdivision 15, or 256D.03, subdivision 7, paragraph (b), ~~or by~~ the department of human services, *or a corporation organized under chapter 317A that owns, operates, or is established by one or more of the above referenced entities, to gather and review information relating to the care and treatment of patients for the purposes of:*

(a) evaluating and improving the quality of health care rendered in the area or medical institution *or by the entity or organization that established the review organization*;

(b) reducing morbidity or mortality;

(c) obtaining and disseminating statistics and information relative to the treatment and prevention of diseases, illness and injuries;

(d) developing and publishing guidelines showing the norms of health care in the area or medical institution *or in the entity or organization that established the review organization*;

(e) developing and publishing guidelines designed to keep within reasonable bounds the cost of health care;

(f) reviewing the quality or cost of health care services provided to enrollees of health maintenance organizations, health service plans, *preferred provider organizations*, and insurance companies;

(g) acting as a professional standards review organization pursuant to United States Code, title 42, section 1320c-1 et seq.;

(h) determining whether a professional shall be granted staff privileges in a medical institution, membership in a state or local association of professionals, or participating status in a nonprofit health service plan corporation, health maintenance organization, *preferred provider organization*, or insurance company, or whether a professional's staff privileges, membership, or participation status should be limited, suspended or revoked;

(i) reviewing, ruling on, or advising on controversies, disputes or questions between:

(1) health insurance carriers, nonprofit health service plan corporations, ~~or~~ health maintenance organizations, *self-insurers* and their insureds, subscribers, ~~or~~ enrollees, *or other covered persons*;

(2) professional licensing boards and health providers licensed by them;

(3) professionals and their patients concerning diagnosis, treatment or care, or the charges or fees therefor;

(4) professionals and health insurance carriers, nonprofit health service plan corporations, ~~or~~ health maintenance organizations, *or self-insurers* concerning a charge or fee for health care services provided to an insured, subscriber, ~~or~~ enrollee, *or other covered person*;

(5) professionals or their patients and the federal, state, or local government, or agencies thereof;

(j) providing underwriting assistance in connection with professional liability insurance coverage applied for or obtained by dentists, or providing assistance to underwriters in evaluating claims against dentists;

(k) acting as a medical review agent under section 256B.04, subdivision 15, or 256D.03, subdivision 7, paragraph (b);

(l) providing recommendations on the medical necessity of a health service, or the relevant prevailing community standard for a health service;

(m) reviewing a provider's professional practice as requested by the health care analysis unit under section 62J.32; ~~or~~

(n) providing quality assurance as required by United States Code, title 42, sections 1396r(b)(1)(b) and 1395i-3(b)(1)(b) of the Social Security Act;

(o) *providing information to group purchasers of health care services when that information was originally generated within the review organization for a purpose specified by this subdivision; or*

*(p) providing information to other, affiliated or nonaffiliated review organizations, when that information was originally generated within the review organization for a purpose specified by this subdivision, and as long as that information will further the purposes of a review organization as specified by this subdivision.*

Sec. 3. Minnesota Statutes 1992, section 145.64, subdivision 1, is amended to read:

Subdivision 1. [DATA AND INFORMATION.] All data and information acquired by a review organization, in the exercise of its duties and functions, or by an individual or other entity acting at the direction of a review organization, shall be held in confidence, shall not be disclosed to anyone except to the extent necessary to carry out one or more of the purposes of the review organization, and shall not be subject to subpoena or discovery. No person described in section 145.63 shall disclose what transpired at a meeting of a review organization except to the extent necessary to carry out one or more of the purposes of a review organization. The proceedings and records of a review organization shall not be subject to discovery or introduction into evidence in any civil action against a professional arising out of the matter or matters which are the subject of consideration by the review organization. Information, documents or records otherwise available from original sources shall not be immune from discovery or use in any civil action merely because they were presented during proceedings of a review organization, nor shall any person who testified before a review organization or who is a member of it be prevented from testifying as to matters within the person's knowledge, but a witness cannot be asked about the witness' testimony before a review organization or opinions formed by the witness as a result of its hearings.

The confidentiality protection and protection from discovery or introduction into evidence provided in this subdivision shall also apply to the governing body of the review organization and shall not be waived as a result of referral of a matter from the review organization to the governing body or consideration by the governing body of decisions, recommendations, or documentation of the review organization.

Sec. 4. Minnesota Statutes 1992, section 147.111, subdivision 3, is amended to read:

Subd. 3. [MEDICAL SOCIETIES.] A state or local medical society shall report to the board any termination, revocation, or suspension of membership or any other disciplinary action taken against a physician. If the society has received a complaint which might be grounds for discipline under sections 147.01 to 147.22 against a member physician on which it has not taken any disciplinary action, the society shall report the complaint and the reason why it has not taken action on it or shall direct the complainant to the board of medical practice. *This subdivision does not apply to a medical society when it performs peer review functions as an agent of an outside entity, organization, or system.*

Sec. 5. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to health; modifying the definition of review organization; allowing review organizations to provide information to pur-

chasers and other review organizations; providing confidentiality protection and protection from discovery process for the transfer of the information; clarifying the scope of confidentiality of review organization records; exempting medical societies from reporting obligations when performing peer review functions; amending Minnesota Statutes 1992, sections 145.61, subdivision 5, and by adding a subdivision; 145.64, subdivision 1; and 147.111, subdivision 3."

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

### SECOND READING OF SENATE BILLS

S.F. Nos. 1823, 1700, 1784, 1759, 1802, 2013, 2415, 1807, 2006, 2035, 1968, 2178, 1816 and 2510 were read the second time.

### SECOND READING OF HOUSE BILLS

H.F. No. 1496 was read the second time.

### MOTIONS AND RESOLUTIONS

Ms. Johnston moved that the name of Mr. Price be added as a co-author to S.F. No. 1951. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Murphy be added as a co-author to S.F. No. 2716. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Vickerman be added as a co-author to S.F. No. 2724. The motion prevailed.

Ms. Pappas moved that the name of Mr. Marty be added as a co-author to S.F. No. 2790. The motion prevailed.

Mr. Moe, R.D., for the Committee on Rules and Administration, introduced—

Senate Resolution No. 68: A Senate resolution relating to ethical conduct; reprimanding Senator Sam G. Solon.

WHEREAS, the Special Committee on Ethical Conduct has made the following findings:

1. Sam G. Solon was first elected to the Minnesota House of Representatives in 1970 and was first elected to the Minnesota Senate in 1972.
2. Senator Solon has served well and faithfully the residents of Duluth and Northeast Minnesota since that time.
3. Senator Solon's office has for 20 years been the center of operations for residents of Duluth who are here lobbying the legislature.
4. Senator Solon has allowed the visitors in his office to use the Senate's telephone system to make calls to Duluth.
5. Senator Solon provided the Senate's long-distance telephone access code to his long-time friend and roommate Charles Westin, so that Mr. Westin could call Senator Solon in Duluth when Mr. Westin was in St. Paul.

6. Mr. Westin used the Senate's long-distance telephone access code not only to make calls to Senator Solon but also to make calls from his business office in St. Paul to the offices of the Northeast Minnesota Economic Development Association (NEMDA) in Duluth and to make personal calls from his residence in St. Paul to his family in Duluth, at a combined cost to the Senate of approximately \$320.

7. Mr. Westin provided the Senate's long-distance telephone access code to Mr. Don Johnson, a St. Paul resident who was engaged in setting up a business importing products from South Africa and the Virgin Islands.

8. Mr. Westin also escorted Mr. Johnson to Senator Solon's office and told Senator Solon's secretary that Mr. Johnson was authorized to use the Senate telephone system to make calls to South Africa as part of an economic development project.

9. Mr. Johnson, without Senator Solon's actual knowledge or approval, did use the Senate's telephones to make business calls to South Africa and used both the Senate's telephones and the Senate's long-distance telephone access code to make business calls to the Virgin Islands at Senate expense of approximately \$1,600.

10. Senator Solon also provided the Senate's long-distance telephone access code to Mr. Ronald Limoseth, his volunteer aide and confidante for more than 20 years, so that Mr. Limoseth could call him at Senate expense to report on legislative matters he was handling for Senator Solon.

11. Mr. Limoseth used the Senate's access code to call Senator Solon not only from Duluth and Northeast Minnesota but also from his winter residence in Pompano Beach, Florida.

12. Mr. Limoseth, without Senator Solon's actual knowledge or approval, gave the Senate's long-distance telephone access code to his wife, Mrs. Constance Limoseth, who used it to make numerous personal calls from their winter home in Pompano Beach, Florida, to her relatives in Maine and California.

13. The calls placed by the Limoseths from Pompano Beach were paid for by the Senate in the approximate amount of \$630.

14. Senator Solon also provided the Senate's long-distance telephone access code to Mr. Tom Bergh, Executive Director of the Northeast Minnesota Economic Development Association (NEMDA), a nonprofit organization involved in promoting economic development in Northeast Minnesota, to be used to call Senator Solon at the capitol on legislative business.

15. Calls made by Mr. Bergh were paid for by the Senate in the approximate amount of \$450.

16. Senator Solon also provided the Senate's long-distance telephone access code to his son, Chris Solon. Chris Solon did not use the access code.

17. For many years the state telephone directory has contained a warning that "State telephones shall not be used for personal long distance calls."

18. For many years the Senate Administrative Services Directory has contained a warning that "Long distance calls on state telephones are for business only. State telephones are not to be used for personal long distance calls."

19. The calls made by Mr. Westin from St. Paul to his family in Duluth were clearly personal and in no way related to Senate business.

20. The calls made by Mrs. Limoseth from Florida to her relatives in Maine and California were clearly personal and in no way related to Senate business.

21. The calls made by Mr. Johnson to South Africa and the Virgin Islands were for his personal business and in no way related to the business of the Senate.

22. The personal calls made by Charles Westin, Constance Limoseth, and Don Johnson violated the Senate's administrative policy prohibiting the use of Senate telephones for personal long-distance calls.

23. Although the business engaged in by Charles Westin and Tom Bergh to promote economic development in Northeast Minnesota was a proper business, it was not Senate business.

24. The cost of calls made by Charles Westin and Tom Bergh to conduct the business of the Northeast Minnesota Economic Development Association should not have been billed to the Senate.

25. The public disclosure, on and after April 12, 1993, of the uses made of the Senate's long-distance telephone service by Charles Westin, Don Johnson, Ronald Limoseth, Constance Limoseth, and Tom Bergh has brought upon the Senate dishonor and disrepute.

26. A member of the Senate is responsible not only for the member's own conduct but also for the conduct of others to whom the member entrusts the use of Senate property.

27. Senator Solon has accepted full responsibility for the cost of calls made by those to whom he entrusted the Senate long-distance telephone system and long-distance access code. By his personal checks dated April 13, 1993, and May 4, 1993, Senator Solon has made full restitution to the Senate of amounts paid by the Senate for the long-distance calls of Charles Westin, Don Johnson, Ronald Limoseth, Constance Limoseth, and Tom Bergh.

28. On May 12, 1993, Senator Solon publicly apologized to the Senate for the embarrassment, notoriety, and public ridicule that his indiscretion in giving out the Senate's long-distance telephone access number had inflicted upon the Senate.

29. Senator Solon cooperated fully with the investigation of his conduct carried out by the Attorney General, the Ramsey County Attorney, and the Olmsted County Attorney.

30. The Olmsted County Attorney found that there was not evidence to charge Senator Solon with the commission of a crime.

31. None of the calls in question were made by Senator Solon himself or for his personal gain.

32. Following the completion of the criminal investigation, Senator Solon voluntarily submitted himself to the disciplinary authority of the Special Committee on Ethical Conduct.

33. Senator Solon has ceased to allow visitors to his office to use the Senate's long-distance telephone system.



34. Senator Solon has not given his new Senate long-distance telephone access number to anyone, and has pledged not to do so in the future.

35. Senator Solon has ceased to live with Charles Westin.

36. Senator Solon has admitted to the Special Committee on Ethical Conduct that his conduct was inappropriate.

NOW, THEREFORE,

BE IT RESOLVED, by the Senate of the State of Minnesota:

1. That the conduct of Senator Sam G. Solon in providing the Senate's long-distance telephone access code to others was inappropriate.

2. That the conduct of Senator Sam G. Solon in allowing others to use his Senate office and telephone to make calls on their own personal and private business was inappropriate.

3. That Senator Sam G. Solon be required to make restitution and apologize to the Senate, which he has done.

4. That Senator Sam G. Solon be, and hereby is, reprimanded.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Ms. Runbeck moved that S.F. No. 2748 be withdrawn from the Committee on Health Care and re-referred to the Committee on Crime Prevention. The motion prevailed.

Ms. Pappas moved that S.F. No. 2178, on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Chmielewski moved that S.F. No. 2006, on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1910 a Special Order to be heard immediately.

### **SPECIAL ORDER**

S.F. No. 1910: A bill for an act relating to motor vehicles; emission control inspections; requiring contractors operating public inspection stations to make available the opportunity to renew motor vehicle registrations and obtain plates or tabs at inspection stations; amending Minnesota Statutes 1992, section 116.62, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 168.

Mr. Frederickson moved to amend S.F. No. 1910 as follows:

Page 2, line 34, after the comma, insert "*subdivisions 1 to 6,*"

The motion prevailed. So the amendment was adopted.

### **CALL OF THE SENATE**

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

S.F. No. 1910 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 28 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Larson	Morse	Reichgott Junge
Berglin	Hottinger	Luther	Pappas	Solon
Betzold	Janezich	Marty	Piper	Spear
Chmielewski	Johnson, D.J.	Merriam	Pogemiller	Wiener
Cohen	Johnson, J.B.	Moe, R.D.	Price	
Finn	Krentz	Mondale	Ranum	

Those who voted in the negative were:

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

So the bill, as amended, failed to pass.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2015 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 2015: A bill for an act relating to metropolitan government; establishing an elected metropolitan council; providing for a regional administrator and a management team; imposing organizational requirements; imposing duties; clarifying existing provisions and making conforming changes; amending Minnesota Statutes 1992, sections 6.76; 15A.081, subdivision 7; 15A.082, subdivision 3; 16B.58, subdivision 7; 116.16, subdivision 2; 116.182, subdivision 1; 161.173; 161.174; 169.781, subdivision 1; 169.791, subdivision 5; 169.792, subdivision 11; 221.022; 221.041, subdivision 4; 221.071, subdivision 1; 221.295; 297B.09, subdivision 1; 352.03, subdivision 1; 352.75; 422A.01, subdivision 9; 422A.101, subdivision 2a; 471A.02, subdivision 8; 473.121, subdivisions 5a and 24; 473.123, subdivisions 1, 2a, and 4; 473.129; 473.13, subdivision 4; 473.146; subdivisions 1 and 4; 473.149, subdivision 3; 473.1623, subdivision 2; 473.164; 473.168, subdivision 2; 473.173, subdivisions 3 and 4; 473.223; 473.303, subdivisions 2, 3a, 4, 4a, 5, and 6; 473.371, subdivision 1; 473.375, subdivisions 11, 12, 13, 14, and 15; 473.382; 473.384, subdivisions 1, 3, 4, 5, 6, 7, and 8; 473.385; 473.386, subdivisions 1, 2, 3, 4, 5, and 6; 473.387, subdivisions 2, 3, and 4; 473.388, subdivisions 2, 3, 4, and 5; 473.39, subdivisions 1, 1a, 1b, and by adding a subdivision; 473.391; 473.392; 473.394; 473.399, as amended; 473.405, subdivisions 1, 3, 4, 5, 9, 10, 12, and 15; 473.408, subdivisions 1, 2, 2a, 4, 6, and 7; 473.409; 473.411, subdivisions 3 and 4; 473.415, subdivisions 1, 2, and 3; 473.416; 473.418; 473.42; 473.436, subdivisions 2, 3, and 6; 473.446, subdivisions 1, 1a, 2, 3, and 7; 473.448; 473.449; 473.504, subdivisions 4, 5, 6, 9, 10, 11, and 12; 473.511, subdivisions 1, 2, 3, and 4; 473.512, subdivision 1; 473.513; 473.515, subdivisions 1, 2, and 3; 473.5155, subdivisions 1 and 3; 473.516, subdivisions 2, 3, 4, and 5; 473.517,

subdivisions 1, 2, 3, 6, and 9; 473.519; 473.521, subdivisions 1, 2, 3, and 4; 473.523, subdivisions 1 and 2; 473.535; 473.541, subdivision 2; 473.542; 473.543, subdivisions 1, 2, 3, and 4; 473.545; 473.547; 473.549; 473.553, subdivisions 1, 2, 4, 5, and by adding subdivisions; 473.561; 473.595, subdivision 3; 473.605, subdivision 2; 473.823, subdivision 3; and 473.852, subdivisions 8 and 10; Minnesota Statutes 1993 Supplement, sections 10A.01, subdivision 18; 15A.081, subdivision 1; 115.54; 174.32, subdivision 2; 216C.15, subdivision 1; 221.025; 221.031, subdivision 3a; 275.065, subdivisions 3 and 5a; 352.01, subdivisions 2a and 2b; 352D.02, subdivision 1; 353.64, subdivision 7a; 400.08, subdivision 3; 473.13, subdivision 1; 473.1623, subdivision 3; 473.167, subdivision 1; 473.386, subdivision 2a; 473.3994, subdivision 10; 473.3997; 473.4051; 473.407, subdivisions 1, 2, 3, 4, 5, and 6; 473.411, subdivision 5; 473.446, subdivision 8; and 473.516, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1992, sections 115A.03, subdivision 20; 115A.33; 174.22, subdivision 4; 473.121, subdivisions 14a, 15, and 21; 473.122; 473.123, subdivisions 3, 5, and 6; 473.141, as amended; 473.146, subdivisions 2, 2a, 2b, and 2c; 473.153; 473.161; 473.163; 473.181, subdivision 3; 473.325, subdivision 5; 473.373, as amended; 473.375, subdivisions 1, 2, 3, 4, 5, 6, 7, 10, 16, 17, and 18; 473.377; 473.38; 473.384, subdivision 9; 473.388, subdivision 6; 473.404, as amended; 473.405, subdivisions 2, 6, 7, 8, 11, 13, and 14; 473.417; 473.435; 473.436, subdivision 7; 473.445, subdivisions 1 and 3; 473.501, subdivision 2; 473.503; 473.504, subdivisions 1, 2, 3, 7, and 8; 473.511, subdivision 5; 473.517, subdivision 8; 473.535; 473.543, subdivision 5; and 473.553, subdivision 4a; Minnesota Statutes 1993 Supplement, sections 473.3996, subdivisions 1 and 2.

Mr. Mondale moved to amend S.F. No. 2015 as follows:

Page 2, after line 34, insert:

“Section 1. Minnesota Statutes 1992, section 15.0597, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given them.

(a) “Agency” means (1) a state board, commission, council, committee, authority, task force, including an advisory task force created under section 15.014 or 15.0593, or other similar multimember agency created by statute and having statewide jurisdiction; and (2) the ~~metropolitan council~~, regional transit board, metropolitan airports commission, metropolitan parks and open space commission, metropolitan sports facilities commission, metropolitan waste control commission, capitol area architectural and planning board, and any agency with a regional jurisdiction created in this state pursuant to an interstate compact.

(b) “Vacancy” or “vacant agency position” means (1) a vacancy in an existing agency, or (2) a new, unfilled agency position; provided that “vacancy” shall not mean (1) a vacant position on an agency composed exclusively of persons employed by a political subdivision or another agency, or (2) a vacancy to be filled by a person required to have a specific title or position.

(c) “Secretary” means the secretary of state.”

Pages 3 and 4, delete section 2 and insert:

"Sec. 3. Minnesota Statutes 1992, section 204B.32, subdivision 2, is amended to read:

Subd. 2. [ALLOCATION OF COSTS.] Municipalities or counties may allocate the costs of conducting elections to school districts *and the metropolitan council* for payment of their proportionate share of such expenses for elections held at the same time as the regular municipal or county primary and general election. Allocated costs include expenses for election equipment and supplies; polling locations; personnel (including election judge compensation and the portion of salaries of election administrative and technical employees attributable to the preparation and conduct of the election); transportation related to the conduct of the election; required election notices and newspaper publication of election information; communications devices; and postage (including mailings to election judges and for absentee voter applications and ballots)."

Page 6, after line 33, insert:

"Sec. 5. Minnesota Statutes 1992, section 353D.01, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] Except as provided in section 353D.11, eligibility to participate in the defined contribution plan is open to an elected local government official of a governmental subdivision who elects to participate in the plan and who, for the elected service rendered to a governmental subdivision, is not a member of the public employees retirement association within the meaning of section 353.01, subdivision 7, and to basic and advanced life support emergency medical service personnel employed by or providing services for any public ambulance service or privately operated ambulance service that receives an operating subsidy from a governmental entity that elects to participate.

For purposes of this chapter, an elected local government official includes a person appointed to fill a vacancy in an elective office. *For the purposes of this chapter, an elected local government official includes a member of the metropolitan council.* Service as an elected local government official only includes service for the governmental subdivision for which the official was elected by the public-at-large. Service as an elected local government official ceases and eligibility to participate terminates when the person ceases to be an elected official. An elected local government official does not include an elected county sheriff.

Except as provided in section 353D.11, elected local government officials and first response personnel and emergency medical service personnel who are currently covered by a public or private pension plan because of their employment or provision of services are not eligible to participate in the public employees defined contribution plan.

A former participant is a person who has ceased to be an elected local government official or an emergency medical service employee and who has not withdrawn the value of an individual account."

Page 7, delete section 5 and insert:

"Sec. 7. Minnesota Statutes 1992, section 473.123, subdivision 2a, is amended to read:

Subd. 2a. [TERMS.] Following each apportionment of council districts, as

provided under subdivision 3a, council members must be ~~appointed~~ *elected on a nonpartisan basis* from newly drawn districts as provided in subdivision 3a. *Each council member must reside in the council district represented. Each council district must be represented by one member of the council.* The terms of members are as follows: members representing even-numbered districts for terms ending the first Monday in the third January of the year ending in the numeral "7" following the election; members representing odd-numbered districts for terms ending the first Monday in the fifth January of the year ending in the numeral "5" following the election. Thereafter the term of each member is four years, with terms ending the first Monday in January, except that all terms expire on the effective date of the next apportionment. A member shall continue to serve the member's district until a successor is ~~appointed~~ *elected* and qualified; ~~except that, following each apportionment, the member shall continue to serve at large until the governor appoints 16 council members, one from each of the newly drawn council districts as provided under subdivision 3a, to serve terms as provided under this section.~~ The appointment to the council must be made by the first Monday in March of the year in which the term ends.

Sec. 8. Minnesota Statutes 1992, section 473.123, is amended by adding a subdivision to read:

*Subd. 2b. [VACANCIES; SPECIAL ELECTION.] A vacancy in the office of council member shall be filled by special election not less than 30 nor more than 60 days after the vacancy occurs and may be held on the same day as a regular primary or regular election. If the vacancy occurs less than 60 days before the general election preceding the end of the term, the vacancy shall be filled by the person elected at that election for the ensuing term who takes office immediately after receiving the certificate of election and taking the oath of office.*

Sec. 9. Minnesota Statutes 1993 Supplement, section 473.123, subdivision 3a, is amended to read:

*Subd. 3a. [REDISTRICTING.] The legislature metropolitan council shall redraw the boundaries of the council districts after each decennial federal census so that each district has substantially equal population. Redistricting is effective in the year ending in the numeral "3." Within 60 days after a redistricting plan takes effect, the governor shall appoint members and shall adopt the redistricting plan no later than 25 weeks before the state primary election in the year ending in the numeral "2." Council members elected from the newly drawn districts to serve terms as provided under subdivision 2a.*

Sec. 10. Minnesota Statutes 1992, section 473.123, is amended by adding a subdivision to read:

*Subd. 3d. [ELECTIONS; PROCEDURES.] (a) Except as provided in this section, Minnesota election law including but not limited to chapters 211A and 211B applies to council elections, as far as practicable.*

*(b) Affidavits of candidacy must be filed with the secretary of state as provided under section 204B.06.*

*(c) The filing fee shall be the same as for county office as provided in section 204B.11, subdivision 1, paragraph (d).*

(d) *At the time of filing an affidavit of candidacy, a candidate may present a petition in place of the filing fee with the same number of signatures required for a candidate for county office in section 204B.11, subdivision 2.*

(e) *Council members must be elected at the county general election held in the year before the terms of office that they seek expire."*

Page 8, lines 25 and 26, delete "*compensation council under section 15A.082*" and insert "*metropolitan council*"

Page 9, line 2, delete "*appointed*" and insert "*elected*"

Page 9, delete lines 5 and 6 and insert "*council*."

Sec. 13. [CONTINUATION OF TERMS.]

*The appointed chair and appointed council members representing council districts 1 to 16 described in Minnesota Statutes 1993 Supplement, section 473.123, subdivision 3c, and holding office on the effective date of this section, and any successor appointed to fill a vacancy, shall continue in office until the first Monday in January after the election of council members."*

Page 9, line 19, before the period, insert "*, except that sections 3, 7, 10, and 13 are effective June 1, 1994*"

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

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Luther	Novak	Stumpf
Beizold	Johnson, J.B.	Marty	Pappas	Vickerman
Cohen	Kelly	Moe, R.D.	Piper	Wiener
Day	Krentz	Mondale	Ranum	
Finn	Kroening	Morse	Sams	
Flynn	Langseth	Murphy	Spear	

Those who voted in the negative were:

Beckman	Dille	Knutson	Neuville	Robertson
Belanger	Frederickson	Laidig	Oliver	Runbeck
Benson, D.D.	Hanson	Larson	Olson	Samuelson
Benson, J.E.	Janezich	Lesewski	Pariseau	Stevens
Berg	Johnson, D.E.	Lessard	Pogemiller	Terwilliger
Berglin	Johnson, D.J.	McGowan	Price	
Bertram	Johnston	Merriam	Reichgott Junge	
Chandler	Kiscaden	Metzen	Riveness	

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

Mr. Oliver moved to amend S.F. No. 2015 as follows:

Pages 2 and 3, delete section 1

Page 4, line 18, after "*members*" insert "*, other than the chair,*"

Page 5, line 32, reinstate the stricken language

Page 7, line 3, reinstate the stricken language and delete "*16*"

Page 7, line 10, after "*member*" insert "*, other than the chair,*"

Page 7, line 12, after the period, insert "*The chair of the council represents the metropolitan area at large.*" and reinstate the stricken "are as"

Page 7, lines 13 to 17, reinstate the stricken language

Page 7, line 18, reinstate the stricken language and delete "*end with*"

Page 7, line 19, delete "*the term of the governor*"

Page 7, lines 20 and 21, delete "*A member serves at the pleasure of the governor.*"

Page 7, line 32, reinstate the stricken language

Page 7, line 34, reinstate the stricken language

Page 7, line 35, after the stricken "*senate*" insert "*of the council*" and reinstate the stricken "*to*"

Page 7, line 36, reinstate the stricken "*serve at the pleasure of the governor.*"

Page 8, lines 3 to 5, delete the new language

Page 8, line 6, delete "*serves for a term of one year*" and strike the period

Page 8, line 17, after "*such*" insert "*other*" and delete "*, in*"

Page 8, line 18, delete "*addition to the chair,*"

Page 8, line 19, delete "*the same*" and insert "*a*"

Page 8, line 20, delete "*as the chair*"

Page 8, line 25, after "*member*" insert "*, other than the chair,*"

Page 8, line 27, after the period, insert "*The chair shall be reimbursed for actual and necessary expenses in the same manner as other members.*"

Page 8, line 29, after "*for*" insert "*the chair and*"

Page 8, line 30, after "*the*" insert "*chair and*"

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

Amend the title accordingly

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

Ms. Flynn moved to amend S.F. No. 2015 as follows:

Page 40, line 26, strike from "*employees*" through page 40, line 27, to "*and*"

Page 40, line 28, after "*division*" insert "*of the former metropolitan transit commission*"

Page 153, line 3, delete "*473.535;*"

Amend the title as follows:

Page 2, line 28, delete "*473.535;*"

The motion prevailed. So the amendment was adopted.

Ms. Flynn then moved to amend S.F. No. 2015 as follows:

Page 2, delete line 34 and insert:

**"METROPOLITAN COUNCIL ORGANIZATION"**

Amend the title as follows:

Page 1, lines 2 and 3, delete "establishing an elected metropolitan council;"

The motion prevailed. So the amendment was adopted.

S.F. No. 2015 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 64 and nays 2, as follows:

Those who voted in the affirmative were:

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

Mr. Day and Ms. Johnston 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. 1845 a Special Order to be heard immediately.

**SPECIAL ORDER**

H.F. No. 1845: A bill for an act relating to education; permitting school boards to begin the 1994-1995 school year before Labor Day because a religious holiday is observed the day following Labor Day.

Mr. Merriam moved to amend H.F. No. 1845 as follows:

Page 1, line 7, delete "RELIGIOUS HOLIDAY"

Page 1, line 11, delete "*because a religious holiday is observed on*" and insert a period

Page 1, delete line 12

Amend the title as follows:

Page 1, delete lines 4 and 5 and insert a period

The motion prevailed. So the amendment was adopted.



H.F. No. 1845 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 65 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Berg voted in the negative.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills. The motion prevailed.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1750.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 23, 1994

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2010, 2043, 2143, 2210, 2222, 2306, 2212 and 2487.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 23, 1994

**FIRST READING OF HOUSE BILLS**

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

H.F. No. 2010: A bill for an act relating to the environment; requiring a person who arranges for management of solid waste in an environmentally inferior manner to indemnify generators of the waste and, for a landfill, set aside a fund to pay for contamination from the landfill; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2043: A bill for an act relating to recreation green space; requiring a certain public utility to relocate overhead power lines in Indian Mounds Park in Saint Paul.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2143: A bill for an act relating to telecommunications; regulating competitive telephone services and incentive plans; extending expiration dates and making technical changes for certain regulatory provisions; amending Minnesota Statutes 1992, sections 237.161, by adding a subdivision; 237.57, subdivision 4; 237.58, subdivision 1; 237.59, subdivisions 1, 2, 3, 5, and by adding a subdivision; 237.60, subdivision 2; 237.62, subdivision 1; and 237.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Rules, parts 7815.0700; 7815.0800; 7815.0900; 7815.1000; 7815.1100; 7815.1200; 7815.1300; 7815.1400; and 7815.1500; Laws 1987, chapter 340, section 26; Laws 1989, chapter 74, sections 25 and 27; Laws 1990, chapter 513, section 3; and Laws 1993, chapter 41, section 1.

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

H.F. No. 2210: A bill for an act relating to data practices; regulating the classification and release of certain department of commerce data; amending Minnesota Statutes 1992, section 13.71, by adding subdivisions.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1791.

H.F. No. 2222: A bill for an act relating to elections; allowing a single polling place for two precincts in certain cases; amending Minnesota Statutes 1992, section 204B.16, subdivision 2.

Referred to the Committee on Ethics and Campaign Reform.

H.F. No. 2306: A bill for an act relating to the city of Minneapolis; providing that a levy for a contribution to the Minneapolis teachers retirement fund association is a special taxing district levy for property tax purposes; amending Minnesota Statutes 1993 Supplement, section 354A.12, subdivision 3b.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 2212: A bill for an act relating to the environment; genetically engineered organisms; authorizing the department of agriculture to exempt certain federally monitored releases; authorizing the environmental quality board to adopt rules relating to certain releases; providing for certain exemptions; amending Minnesota Statutes 1992, sections 18F.01; 18F.02,

subdivisions 1, 5, and by adding a subdivision; 18F.04; 18F.07; 18F.12; 116C.91, subdivision 1; 116C.94; and 116C.96; proposing coding for new law in Minnesota Statutes, chapters 18F; and 116C; repealing Minnesota Statutes 1992, section 18F.02, subdivision 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2023, now on General Orders.

H.F. No. 2487: A bill for an act relating to local government; authorizing towns in Olmsted county to adopt and enforce the state building code.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2056, now on the Consent Calendar.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 2130. The motion prevailed.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2099: A bill for an act relating to recreational vehicles; requiring department of transportation to accept competitive design-build bids for certain nonvehicular bridges on pedestrian facilities and bicycle paths; amending Minnesota Statutes 1992, section 160.262, by adding a subdivision.

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

Page 1, line 12, delete everything before "*for*"

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2278: A bill for an act relating to public safety; increasing fee for motor vehicle transfers and dedicating proceeds to pay for state patrol vehicles; establishing state patrol motor vehicle account and appropriating money in the account; amending Minnesota Statutes 1992, section 168A.29, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299D.

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

Page 2, line 1, after the comma, insert "*clauses (1) and (3),*"

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was re-referred

S.F. No. 1736: A bill for an act relating to metropolitan government; providing for financial assistance and capital expenditures of the regional

transit board; amending Minnesota Statutes 1992, sections 473.375, subdivision 13; and 473.39, subdivision 1b.

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

Page 1, delete lines 11 to 19 and insert:

"Subd. 13. [FINANCIAL ASSISTANCE.] The board may provide financial assistance to the commission and other providers as provided in sections 473.371 to 473.449 in furtherance of and in conformance with the implementation plan of the board. The board may not use the proceeds of bonds issued by the council under section 473.39 to provide capital assistance to private, for-profit operators of public transit, *unless the operators provide service under a contract with the board or recipients of financial assistance under sections 473.371 to 473.449.*"

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2032: A bill for an act relating to motor carriers; allowing charter carrier limited authority to pick up and let off passengers when providing special transportation service; amending Minnesota Statutes 1992, section 221.121, subdivision 6b.

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

Page 1, line 14, delete "*transportation*" and insert "*passenger*"

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

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

S.F. No. 1133: A bill for an act relating to the environment; establishing an environmental cleanup program for landfills; imposing an additional property and casualty insurance premium tax; establishing a hazardous and problem products waste management tax; providing penalties; appropriating money; abolishing the metropolitan landfill contingency action trust fund; transferring trust fund assets; amending Minnesota Statutes 1992, sections 115.073; 115B.42; 383D.71, subdivision 1; 473.801, subdivisions 1 and 4; 473.841; 473.842, subdivision 1; and 473.843, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 60A; 115A; and 115B; repealing Minnesota Statutes 1992, sections 473.842, subdivisions 1a, 4a, and 5; 473.845; and 473.847.

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

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

#### LANDFILL CLEANUP PROGRAM

Section 1. Minnesota Statutes 1992, section 115B.04, is amended by adding a subdivision to read:

*Subd. 4a. [CLAIMS BY MIXED MUNICIPAL SOLID WASTE DIS-*

POSAL FACILITIES.] (a) *Except as provided in paragraph (b), liability under this section for claims by owners or operators of mixed municipal solid waste disposal facilities that accept waste on or after April 9, 1994, and are not eligible facilities under section 115B.381, subdivision 5, is limited to liability for response costs exceeding the amount of available financial assurance funds required under section 116.07, subdivision 4h.*

(b) *This subdivision does not affect liability under this section for claims based on the illegal disposal of waste at a facility.*

## CLEANUP OF CLOSED LANDFILLS

### Sec. 2. [115B.381] [DEFINITIONS.]

*Subdivision 1. [APPLICABILITY.] In addition to the definitions in this section, the definitions in sections 115A.03 and 115B.02 apply to sections 115B.382 to 115B.44.*

*Subd. 2. [ACCEPTED FACILITY.] "Accepted facility" means a facility that has been accepted under section 4, subdivision 3 or 4, or has been acquired under section 4, subdivision 5, paragraph (b), clause (4).*

*Subd. 3. [CLOSURE.] "Closure" means actions to prevent or minimize the threat to public health and the environment posed by a mixed municipal solid waste disposal facility that has stopped accepting waste, including removing contaminated equipment; applying final cover, grading and seeding final cover; installing wells, borings, and other monitoring devices; constructing groundwater and surface water diversion structures; and installing gas control systems and site security measures, as necessary. Final cover may include processed materials meeting the requirements in Code of Federal Regulations, title 40, section 503.32, paragraph (a).*

*Subd. 4. [DECOMPOSITION GASES.] "Decomposition gases" means gases produced by chemical or microbial activity during the decomposition of solid waste.*

*Subd. 5. [ELIGIBLE FACILITY.] "Eligible facility" means a mixed municipal solid waste disposal facility that:*

- (1) has been issued a permit by the agency; and*
- (2) stopped accepting waste before April 9, 1994.*

*Subd. 6. [EXCLUDED FACILITY.] "Excluded facility" means an eligible facility that has been accepted by the commissioner as an excluded facility under section 115B.384.*

*Subd. 7. [POSTCLOSURE; POSTCLOSURE CARE.] "Postclosure" or "postclosure care" means actions taken for the care, maintenance, and monitoring of a mixed municipal solid waste disposal facility following site closure.*

*Subd. 8. [RESPONSE ACTION.] "Response action" means environmental studies, engineering, and site construction activities related to preventing, minimizing, or eliminating releases to the environment from an eligible facility.*

### Sec. 3. [115B.382] [LIMITATION ON LIABILITY AT ALL ELIGIBLE FACILITIES.]

(a) Except as provided in section 115B.386, there is no liability under section 115B.04 or 115B.05 for a person who is a responsible person under section 115B.03, subdivision 1, clause (b) or (c), with respect to a release or threatened release of a hazardous substance, or a pollutant or contaminant, from any eligible facility.

(b) The commissioner shall publish a list of all eligible facilities by September 1, 1994.

**Sec. 4. [115B.383] [REQUIREMENTS FOR ELIGIBLE FACILITIES.]**

**Subdivision 1. [REQUIREMENTS.]** (a) An owner or operator of an eligible facility shall:

(1) by March 1, 1995, enter into a binding agreement with the commissioner to do the following prior to acceptance of the facility under this section:

(i) transfer to the state legal title to the property described in subdivision 2;

(ii) transfer any financial assurance funds required under section 116.07, subdivision 4h, that remain in the financial assurance accounts for the facility after facility closure and any postclosure care and contingency action undertaken under clause (4) to the commissioner of revenue to be credited to the landfill cleanup account established in section 115B.42, or, if financial assurance is provided through a letter of credit, pay to the commissioner of revenue the amount that would have accumulated had financial assurance been provided through a trust fund, less amounts paid or required to be paid for closure, postclosure, and contingency action under clauses (2) and (4);

(2) complete required closure activities at the facility in accordance with the terms of the facility's permit, any applicable closure orders or enforcement agreements with the agency, and the solid waste rules in effect at the time the facility stopped accepting waste;

(3) by March 1, 1995, send the commissioner a copy of all applicable comprehensive general liability insurance policies, certificates, or other evidence of insurance coverage held during the life of the facility; take any actions necessary to preserve the owner or operator's rights to payment or defense under the policies; cooperate with the commissioner in asserting claims; and assign all rights under the policies to the commissioner; and

(4) until notification of acceptance is received under subdivision 3 or 4, continue to comply with all applicable postclosure care and contingency action requirements.

(b) At eligible facilities where response actions are being undertaken by a group of responsible persons, the actions in paragraph (a), clauses (2) and (4), may be completed by the responsible persons.

(c) The commissioner shall maintain separate accounting for each eligible facility regarding:

(1) the amount of financial assurance funds transferred under paragraph (a), clause (1), item (ii); and

(2) costs of response actions taken at the facility.

**Subd. 2. [PROPERTY TO BE TRANSFERRED TO STATE.]** The property that must be transferred under subdivision 1, paragraph (a), clause (1), item (i), is the entire property described in the most recent solid waste permit for

the eligible facility, along with any easements, licenses, or other property interests owned by the owner or operator that are necessary for response actions at the facility, except:

(1) an operating waste disposal facility on the property that is permitted by the agency or for which application for a permit was made by March 1, 1994, if the fill boundary of the facility is at least 200 feet from the fill boundary of the eligible facility;

(2) land and buildings associated with facilities on the property, other than operating waste disposal facilities, that the commissioner determines are reasonably necessary for continued operation of the facilities and are not located within the fill boundary of the eligible facility;

(3) any other land the commissioner determines will not be necessary for the long-term care of the eligible facility and any anticipated response actions at the facility; and

(4) land that the owner or operator before January 1, 1994, agreed to transfer to a local unit of government and that was not used for placement of waste. Transfer of this land must be made contemporaneously with the transfer under subdivision 1, paragraph (a), clause (1), item (i).

Subd. 3. [EVALUATION AND EARLY ACCEPTANCE.] (a) By January 1, 1995, the commissioner shall:

(1) certify as accepted those eligible facilities that:

(i) the commissioner determines have met the requirements of subdivision 1 as of March 1, 1995; and

(ii) have transferred the property described in subdivision 2 and the financial assurance funds described in subdivision 1, paragraph (a), clause (1), item (ii); and

(2) notify the owners or operators of eligible facilities that are not certified under clause (1) that the owner or operator must complete all requirements under subdivision 1 by August 1, 1995, or execute a binding agreement with the commissioner by August 1, 1995, that provides for completion of those requirements.

(b) In cases where an owner or operator of an eligible facility applied for exclusion by March 1, 1995, and is subsequently notified by the commissioner that the facility did not qualify for exclusion, the commissioner shall notify the owner or operator that within 60 days the owner or operator must complete the requirements of subdivision 1 or execute a binding agreement with the commissioner that provides for completion of those requirements.

Subd. 4. [ACCEPTANCE OF OTHER FACILITIES.] For facilities not accepted under subdivision 3, paragraph (a), clause (1), within 60 days following the applicable date under subdivision 3, paragraph (a), clause (2), or paragraph (b), for completion of the requirements in subdivision 1, the commissioner shall evaluate the status of the facility and shall accept a facility that has satisfied the conditions of subdivision 1.

Subd. 5. [DEFAULT.] (a) Any of the following conditions constitutes grounds for the commissioner to declare an owner or operator in default:

(1) for an owner or operator of an eligible facility who has not entered into

a binding agreement with the commissioner as required under subdivision 3, paragraph (a), clause (2), the owner's or operator's failure to complete the requirements in subdivision 1 by August 1, 1995;

(2) for an owner or operator of an eligible facility who has not entered into a binding agreement with the commissioner as required under subdivision 3, paragraph (b), the owner or operator's failure to complete the requirements in subdivision 1 within 60 days of being notified under that paragraph; or

(3) for an owner or operator of an eligible facility who has entered into a binding agreement with the commissioner under subdivision 3, paragraph (a), clause (2), or paragraph (b), the owner's or operator's failure to complete any of the terms of the binding agreement by the negotiated completion date.

(b) If an owner or operator is declared to be in default under paragraph (a), the commissioner shall:

(1) deny future permits or licenses, including renewal of existing permits or licenses, to operate a solid waste business;

(2) complete closure, postclosure, and any other necessary actions described in subdivision 8 at the facility and seek recovery of the costs under section 115B.17, subdivision 6;

(3) file liens under subdivision 6; and

(4) acquire, by eminent domain under chapter 117, the property described in the most recent permit issued by the agency for the facility, and subtract from any amount awarded the owner the commissioner's costs of closure, postclosure care, and response actions at the facility.

Subd. 6. [LIENS.] (a) The following constitute liens in favor of the state upon any real property, other than homestead property, owned by the owner or operator that is located in the state:

(1) all expenses, including expenses related to seeking cost recovery, incurred by the commissioner under subdivision 5, paragraph (b), clause (2); and

(2) all expenses incurred by responsible persons other than the owner or operator that are subject to reimbursement under section 115B.44.

(b) For the purpose of determining the amount of a lien under paragraph (a), clause (1), the commissioner shall calculate postclosure care expenses and response action costs that will be incurred in the future and discount that amount to present value.

(c) A lien under paragraph (a), clause (1), attaches when expenses are first incurred by the commissioner. A lien under paragraph (a), clause (2), attaches when the facility is declared to be in default under subdivision 5.

(d) A lien under this subdivision continues until it is satisfied or becomes unenforceable as for an environmental lien under section 514.672. Notice, filing, and release of a lien under this subdivision are governed by sections 514.671 to 514.676, except where those requirements are specific to cleanup action expenses only. Relative priority of a lien under this subdivision is governed by section 514.672, except that a lien attached to property that was included in a permit for a solid waste disposal facility takes precedence over all other liens regardless of when these liens were or are perfected. Amounts



received to satisfy all or part of a lien under this subdivision must be deposited in the landfill cleanup account.

**Subd. 7. [ENVIRONMENTAL RESPONSE AND LIABILITY.]** (a) Except as provided in section 115B.386, sections 115B.04 and 115B.05 do not apply to environmental response or liability for environmental response at an eligible facility that is accepted under this section.

(b) The state shall defend, indemnify, and hold harmless a responsible person from liability for response costs under the Federal Superfund Act at an accepted facility.

**Subd. 8. [RESPONSE TO RELEASES.]** The commissioner shall conduct or contract for postclosure care at accepted facilities and take any removal or remedial action, including emergency action, related to a release of a hazardous substance, pollutant or contaminant, or decomposition gas from an accepted facility that the commissioner finds necessary to protect the public health or welfare or the environment. The commissioner may undertake detailed studies to determine the necessary response actions at individual facilities. To avoid duplication and increase administrative efficiency, the commissioner shall develop general work plans that can replace those provisions of the detailed studies that apply to facilities with similar characteristics. Before making a final determination of appropriate response actions for a facility, the commissioner shall hold at least one public informational meeting near the facility and provide for receiving and responding to comments related to the determination. The commissioner shall design, implement, and provide oversight of response actions consistent with a final determination made under this subdivision.

**Subd. 9. [PRIORITY LIST.]** For the purpose of preventing or responding to releases of hazardous substances, pollutants or contaminants, or decomposition gases at eligible facilities, the commissioner shall establish a priority list for eligible facilities. The list must be based on the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the facility, the potential for direct human contact, and the potential for destruction of sensitive ecosystems. The list must be established by January 1, 1995, and must be updated to reflect inclusion of additional eligible facilities and changing conditions at the facilities that affect priority for response actions.

**Subd. 10. [DUTY TO PROVIDE INFORMATION.]** Upon request by the commissioner, a person whom the commissioner has reason to believe has or may obtain information related to the ownership or operation of an eligible facility, or to the generation, composition, transportation, treatment, or disposal of waste in an eligible facility, shall furnish to the commissioner any information that is relevant to a release or threatened release at an eligible facility.

**Subd. 11. [ACCESS TO INFORMATION AND PROPERTY.]** The commissioner, on presentation of credentials, and at reasonable business hours, may:

(1) examine and copy any books, papers, records, memoranda, or data of any person who has a duty to provide information to the agency under subdivision 10; and

(2) enter upon any property, public or private, for the purpose of taking action authorized by this section, including obtaining information from any person who has a duty to provide the information under subdivision 10, conducting surveys or investigations, and taking response action.

**Subd. 12. [ACQUISITION AND DISPOSITION OF PROPERTY.]** The commissioner may acquire and dispose of other property, including easements and other forms of access to property, under section 115B.17, subdivisions 15 and 16, that the commissioner finds necessary for response actions related to an eligible facility.

**Subd. 13. [INSURANCE.]** The commissioner may conduct investigations to identify responsible persons at accepted facilities. At the commissioner's request, a responsible person identified under this subdivision shall provide the commissioner with a copy of all applicable comprehensive general liability insurance policies, certificates, or other evidence of insurance coverage held while the person engaged in actions making the person a potential responsible person; take any actions necessary to preserve the person's rights to payment or defense under the policies; cooperate with the commissioner in asserting claims; and assign all rights under the policies to the commissioner.

**Subd. 14. [PURSUIT OF ASSIGNED INSURANCE CLAIMS.]** The attorney general shall vigorously pursue all available insurance claims under rights assigned under subdivision 1, paragraph (a), clause (3), and subdivision 13 and may contract for legal services for this purpose. All money recovered under this subdivision must be credited to the landfill cleanup account.

**Sec. 5. [115B.384] [EXCLUDED FACILITIES.]**

**Subdivision 1. [APPLICATION PROCEDURE.]** Applications from eligible facilities requesting exclusion must be received by the commissioner by February 1, 1995. The owner or operator of an eligible facility that is subject to an enforcement order under section 106 of the Federal Superfund Act, as amended, may not apply for exclusion under this section. In addition to other information required by the commissioner, an application must include a disclosure of all financial assurance accounts established for the facility. Applications for exclusion shall meet the following criteria:

(1) be timely and complete;

(2) show that the operator or owner is complying with an approved financial assurance plan for the facility that is adequate to provide for closure, postclosure care, and contingency action and is complying with the agency's rules adopted under section 116.07, subdivision 4h; and

(3) demonstrate that the facility is closed or is in compliance with a closure schedule approved by the commissioner.

**Subd. 2. [EVALUATION OF EXCLUSION STATUS.]** Within 60 days after the commissioner has received an application for exclusion, the commissioner shall notify the owner or operator if the facility has been accepted as an excluded facility. If the commissioner finds that the facility does not satisfy the requirements for exclusion, the commissioner shall notify the owner or operator of that fact.

*Subd. 3. [RESTRICTION ON USE OF PROPERTY AT EXCLUDED FACILITIES.] (a) A person may not use any property described in the most recent agency permit issued for an excluded facility in any way that disturbs the integrity of the final cover, liners, or any other components of any containment system, or the function of the facility's monitoring systems, unless the agency finds that the disturbance:*

*(1) is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or*

*(2) is necessary to reduce a threat to human health or the environment.*

*(b) Before any transfer of ownership of property described in paragraph (a), the owner must obtain approval from the commissioner. The commissioner shall approve a transfer if the owner can demonstrate to the satisfaction of the commissioner that persons and property will not be exposed to undue risk from releases of hazardous substances or pollutants or contaminants.*

*(c) After obtaining approval from the commissioner, the owner shall record with the county recorder of the county in which the property is located an affidavit containing a legal description of the property that discloses to any potential transferee:*

*(1) that the land has been used as a mixed municipal solid waste disposal facility;*

*(2) the identity, quantity, location, condition, and circumstances of the disposal and any release of hazardous substances or pollutants or contaminants from the facility to the full extent known or reasonably ascertainable; and*

*(3) that the use of the property or some portion of it may be restricted as provided in paragraph (a).*

*(d) An owner must also file an affidavit within 60 days after any material change in any matter required to be disclosed under paragraph (c), clauses (1) to (3), with respect to property for which an affidavit has already been recorded. If the owner or any subsequent owner of the property removes the waste from the facility together with any residues, liner, and contaminated underlying and surrounding soil, that owner may record an affidavit indicating the removal. Failure to record an affidavit as provided in this paragraph does not affect or prevent any transfer of ownership of the property.*

*(e) The county recorder shall record all affidavits presented in accordance with paragraphs (c) and (d). The affidavits must be recorded in a manner that will ensure their disclosure in the ordinary course of a title search of the subject property.*

*Subd. 4. [CLOSURE.] If the commissioner determines that the owner or operator of an excluded facility did not complete the terms of an approved closure plan by the date in the plan, the commissioner shall complete closure at the facility and seek cost recovery under section 115B.17, subdivision 6.*

**Sec. 6. [115B.385] [ENFORCEMENT.]**

*Sections 115B.383, subdivisions 10 and 11, and 115B.384, subdivision 3, are enforceable under sections 115.071 and 116.072.*

**Sec. 7. [115B.386] [ILLEGAL ACTIONS AT ELIGIBLE FACILITIES.]**

*The commissioner may recover under section 115B.17, subdivision 6, that portion of the costs of a response action at any eligible facility attributable to a person who otherwise would be responsible for the release or threatened release under section 115B.03, and whose actions related to the release or threatened release were in violation of federal or state hazardous waste management laws in effect at the time of those actions. The commissioner's determination of the portion of the costs of a response action attributable to a person under this section, based on the volume and toxicity of waste in the facility associated with the person and other factors reasonably related to the contribution of the person to a release or threatened release, is prima facie evidence that those costs are attributable to the person.*

**Sec. 8. [115B.387] [ADVISORY COMMITTEE.]**

*The commissioner shall establish an advisory committee whose duty is to recommend procedures for implementing the landfill cleanup program. The committee may not have more than 13 members. The membership must provide statewide representation of a cross section of interests, including land disposal facility owners and operators, local governments, businesses, environmental groups, and the general citizenry.*

**Sec. 9. [115B.388] [MANAGEMENT AND DISPOSAL OF ACQUIRED PROPERTY.]**

*Subdivision 1. [PLAN FOR LAND MANAGEMENT.] The commissioner, in consultation with the advisory committee established under section 115B.387, shall develop a site-specific plan for each facility for the long-term management and disposition of property acquired under section 115B.383, subdivision 1, within one year of completion of construction of response actions. In developing the plans, the commissioner shall consider any applicable land use plan adopted by a local unit of government. The plans must include provisions to prevent any use that disturbs the integrity of the final cover, liners, any other components of any containment system, or the function of any monitoring systems unless the commissioner finds that the disturbance:*

*(1) is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or*

*(2) is necessary to reduce a threat to human health or the environment.*

*Subd. 2. [DISPOSAL OF PROPERTY BY THE COMMISSIONER.] (a) The commissioner shall offer to sell property acquired under section 115B.383, subdivision 1, to the person from whom the property was acquired, if the sale is consistent with the plan completed under subdivision 1. The offer is valid for 90 days. The sale price of property sold under this paragraph must be reduced by the amount of any lease payments made by the purchaser to the commissioner before the sale.*

*(b) The commissioner may dispose of other property acquired under section 115B.383, subdivision 1 or 6, if the disposal is consistent with the plan completed under subdivision 1.*

**Sec. 10. [115B.389] [RULES.]**

*The commissioner may adopt rules necessary to implement sections 115B.381 to 115B.388.*

**Sec. 11. [115B.39] [REPORT.]**

*By October 1 of each odd-numbered year, the commissioner shall report to the legislative commission on waste management and to the appropriate finance committees of the senate and the house of representatives on the commissioner's activities under sections 115B.381 to 115B.389.*

Sec. 12. Minnesota Statutes 1993 Supplement, section 115B.42, subdivision 2, is amended to read:

Subd. 2. [EXPENDITURES.] Subject to appropriation, money in the account may be spent ~~for by the commissioner to:~~

(1) ~~inspection of inspect~~ mixed municipal solid waste disposal facilities to:

(i) evaluate the adequacy of final cover, slopes, vegetation, and erosion control;

(ii) determine the presence and concentration of hazardous substances, pollutants or contaminants, and decomposition gases; and

(iii) determine the boundaries of fill areas; ~~and~~

(2) ~~monitor and take, or reimburse others for taking, response actions at mixed municipal solid waste disposal accepted facilities under this chapter;~~

(3) ~~engage in closure and postclosure care activities under sections 115B.383 and 115B.384;~~

(4) ~~acquire and dispose of property under section 115B.383;~~

(5) ~~recover costs under sections 115B.383 and 115B.384;~~

(6) ~~administer sections 115B.381 to 115B.39 and 115B.44;~~

(7) ~~enforce sections 115B.381 to 115B.39;~~

(8) ~~administer the agency's groundwater and solid waste management programs; and~~

(9) ~~reimburse persons under section 115B.44.~~

Sec. 13. [115B.44] [REIMBURSABLE PARTIES AND EXPENSES.]

Subdivision 1. [TIMING OF EXPENSES.] (a) Response action costs at accepted facilities that were incurred before March 1, 1995, are reimbursable if they were submitted as receipts to the commissioner before June 1, 1995.

(b) Response action costs at accepted facilities that were incurred between March 1, 1995, and the date that the commissioner accepted the facility are reimbursable if they were submitted as receipts to the commissioner within 60 days of the facility's date of acceptance.

Subd. 2. [REIMBURSABLE PARTIES.] The following persons are eligible for reimbursement under this section:

(1) owners or operators of accepted facilities, except owners or operators that have been declared in default under section 4, subdivision 5, after the owners or operators have agreed to waive all future claims for cost recovery arising from or related to the facility and all other eligible facilities against any other persons; and

(2) persons, other than owners and operators, incurring response action costs under a cleanup order issued by the United States Environmental

Protection Agency under section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended; a request for response action; or a consent order, after the persons have:

(i) demonstrated to the commissioner that they have returned any and all money paid to them by other parties in a cost recovery judgment or settlement or in anticipation of a cost recovery action; and

(ii) agreed to waive all future claims for cost recovery arising from or related to the facility and all other eligible facilities against any other persons.

Subd. 3. [REIMBURSABLE EXPENSES.] (a) Response action expenses that are documented with billings or other proof of project cost are eligible for reimbursement if the commissioner finds that they were reasonable and necessary under the circumstances. The commissioner may request further documentation from those requesting reimbursement if it is necessary in the commissioner's judgment.

(b) Costs required to be paid to the United States Environmental Protection Agency under section 107(a) of the Federal Superfund Act, as amended, are eligible for reimbursement under this section.

(c) The following expenses are not reimbursable, regardless of whether they were carried out under conditions of a cleanup order issued by the United States Environmental Protection Agency under section 106 of the Federal Superfund Act, as amended:

(1) administrative and legal expenses connected with response actions;

(2) any expenses attributable to normal operations of the owner or operator and requirements under a solid waste facility permit, including but not limited to characterization studies of underlying or surrounding hydrologic conditions, closure, and postclosure care; and

(3) the acquisition of real property.

Subd. 4. [REIMBURSEMENT PLAN.] The commissioner shall prepare a reimbursement plan and present it by November 1, 1995, to the legislative commission on waste management, the chairs of the senate finance committee and environment and natural resources finance division and the committees on ways and means and environment and natural resources finance of the house of representatives, and owners and operators of accepted facilities. The plan shall identify sites where reimbursement will occur and the estimated dollar amount for each site, and shall set out priorities and payment schedules.

Subd. 5. [REIMBURSEMENT TIMING.] The commissioner shall not issue reimbursement payments before November 15, 1995. The commissioner shall not issue reimbursements for expense statements filed after November 15, 1997, and shall approve or deny all reimbursement requests by November 15, 1998. The commissioner shall fully reimburse all persons eligible for reimbursement no later than five years after the date the facility was accepted under section 4, subdivision 3 or 4.

Subd. 6. [REIMBURSEMENT CEILING.] The commissioner shall not issue reimbursements in an amount exceeding \$7,000,000 per fiscal year.

## ARTICLE 2

### LANDFILL CLEANUP FUNDING

#### Section 1. [115B.45] [VOLUNTARY BUY-OUT FOR INSURERS.]

In full satisfaction of any rights assigned to the state under section

115B.383, subdivision 1, paragraph (a), clause (3), or subdivision 13, an insurer may tender to the commissioner before January 1, 1998, the voluntary buy-out amount calculated under section 115B.47. In consideration of the amount tendered to the commissioner, an insurer shall receive from the state the release and indemnification provided by section 115B.46. Any amounts received by the commissioner must be credited to the landfill cleanup account.

**Sec. 2. [115B.46] [RELEASE AND INDEMNIFICATION.]**

In consideration for receiving the voluntary buy-out amount calculated under section 115B.47, the state shall release, acquit, and forever discharge the insurer from all liability the insurer has, had, or may have, including but not limited to all claims and policy obligations of any kind or nature under its policies of insurance imposed under the Federal Superfund Act or this chapter at the accepted facility. The state further agrees to defend, indemnify, and hold harmless the insurer from all other claims, demands, actions, and causes of action, and from all damages, injuries, losses, contributions, indemnities, compensation, costs, attorneys' fees, and other expenses of any kind, whether known or unknown, fixed or contingent, whether in law or in equity, whether asserted or unasserted, whether sounding in tort or in contract, arising out of the liabilities under the Federal Superfund Act or section 115B.05 at an accepted facility.

**Sec. 3. [115B.47] [VOLUNTARY BUY-OUT AMOUNT.]**

**Subdivision 1. [CALCULATION.]** The voluntary buy-out amount for an insurer must be calculated in accordance with this section.

**Subd. 2. [VOLUNTARY BUY-OUT SHARE.]** An insurer's unadjusted voluntary buy-out share is equal to that insurer's combined Minnesota written premium for the commercial multiperil line of insurance for calendar years 1970 through 1985, the liability other than auto line for calendar years 1970 and 1971, and the miscellaneous liability line for calendar years 1972 through 1985, as defined by the National Association of Insurance Commissioners' annual statement instructions during the applicable periods, divided by the aggregate written premium for all insurers for these lines during these same time periods. The commissioner of commerce shall calculate the unadjusted shares for individual insurers from data published by A.M. Best for the applicable periods. The commissioner shall advise each insurer with an unadjusted share calculated pursuant to this subdivision of the amount of their unadjusted share. The commissioner shall also request from the insurers data to support an adjustment under subdivision 3 and any credits under subdivision 5. The commissioner shall so advise insurers by May 1, 1996.

**Subd. 3. [ADJUSTMENTS.]** An insurer may adjust its share by providing the commissioner of commerce with evidence that the insurer's Minnesota written premium liability other than auto written premium for calendar years 1970 and 1971 and miscellaneous liability for calendar years 1972 through 1985 included professional or medical malpractice insurance written premiums. The evidence may be provided by written documents or electronically imaged and reproduced documents, contemporaneous with the period of the adjustment, reflecting the insurer's professional or medical malpractice insurance written premium for these periods. The evidence may include an affidavit from an officer of the insurer testifying to the veracity of the data. An insurer's share must be adjusted by the amount of the insurer's professional or medical malpractice insurance Minnesota written premium for calendar years 1970 through 1985 subtracted from the insurer's aggregate liability other than

auto and miscellaneous liability written premium for calendar years 1970 through 1985. The commissioner of commerce shall reduce the aggregate liability other than auto and miscellaneous liability written premium for all insurers by the amount of total adjustments for all insurers under this subdivision prior to the final calculation of each insurer's share. The commissioner shall recalculate each insurer's share using the method provided in subdivision 1 subject to the adjustment provided by this subdivision.

**Subd. 4. [PRELIMINARY CALCULATION.]** The calculation of an insurer's preliminary voluntary buy-out amount must be equal to the multiplication of an insurer's adjusted share by the difference between \$300,000,000 and any amounts received by the state from a federal insurance trust fund.

**Subd. 5. [CREDITS.]** An insurer may receive a credit of 25 percent for each of the calendar years 1970, 1971, 1972, and 1973 that the insurer can demonstrate that sudden and accidental qualified pollution exclusions were endorsed to or included in its comprehensive general liability insurance policies issued during these years. An insurer may demonstrate that the exclusions were endorsed to the policies by providing the commissioner of commerce with an affidavit from an officer or former officer testifying as to the business practice of the insurer during the year or years in question. An insurer may obtain a 25 percent credit for each of the years 1970, 1971, 1972, and 1973 that the exclusions were endorsed to or included in these policies.

**Subd. 6. [FINAL CALCULATION.]** An insurer's voluntary buy-out amount is equal to the amount calculated under subdivision 4 for the insurer, less the amount of credits for the insurer under subdivision 5. The commissioner of commerce shall notify each insurer of its buy-out amount calculated under this section by September 30, 1996.

**Subd. 7. [NONPUBLIC DATA.]** All information obtained by the commissioner of commerce from insurers under this section is nonpublic data under section 13.02, subdivision 9.

**Subd. 8. [HEARING.]** An insurer who disagrees with the calculation of its voluntary buy-out amount may request that the commissioner of commerce reconsider an insurer requesting reconsideration shall supply the commissioner with information that supports the insurer's position within 30 days of receipt of the notification under subdivision 6. The commissioner shall reconsider the insurer's calculation based upon the information supplied within 30 days of receipt of the information. An insurer may appeal the decision of the commissioner as a contested case under chapter 14.

**Subd. 9. [MINIMUM AMOUNT.]** An insurer's voluntary buy-out amount may not be less than \$100,000.

**Subd. 10. [RULES.]** The commissioner of commerce may adopt rules to implement this section.

**Sec. 4. Minnesota Statutes 1993 Supplement, section 116.07, subdivision 10, is amended to read:**

**Subd. 10. [SOLID WASTE ASSESSMENTS.]** (a) For the purposes of this subdivision, "assessed waste" means mixed municipal solid waste as defined in section 115A.03, subdivision 21, infectious waste as defined in section 116.76, subdivision 12, pathological waste as defined in section 116.76, subdivision 14, industrial waste as defined in section 115A.03, subdivision 13a, and construction debris as defined in section 115A.03, subdivision 7.



(b) A person that collects ~~mixed municipal solid~~ assessed waste shall collect and remit to the commissioner of revenue a solid waste assessment from each of the person's customers as provided in paragraphs ~~(b)~~ (c) and ~~(e)~~ (d).

~~(b)~~ (c) The amount of the assessment for each residential customer is \$2 per year. Each waste collector shall collect the assessment annually from each residential customer that is receiving waste collection service on July 1 of each year and shall remit the amount collected along with the collector's first remittance of the sales tax on solid waste collection services, described in section 297A.45, made after October 1 of each year. Any amount of the assessment that is received by the waste collector after October 1 of each year must be remitted along with the collector's next remittance of sales tax after receipt of the assessment.

~~(e)~~ (d) The amount of the assessment for each nonresidential customer is 42 27 cents per noncompacted cubic yard of periodic waste collection capacity purchased by the customer. Each waste collector shall collect the assessment from each nonresidential customer as part of each statement for payment of waste collection charges and shall remit the amount collected along with the next remittance of sales tax after receipt of the assessment.

~~(d)~~ (e) A person who transports assessed waste generated by that person or by another person without compensation shall pay an assessment of 27 cents per noncompacted cubic yard or the equivalent to the operator of the facility to which the waste is delivered. The operator shall remit the assessments collected under this paragraph to the commissioner of revenue as though they were sales taxes under chapter 297A.

(f) The commissioner of revenue shall redesign sales tax forms for solid waste collectors to accommodate payment of the assessment. ~~The commissioner of revenue shall deposit~~ The amounts remitted under this subdivision in the environmental fund and shall credit four sevenths of the receipts must be deposited in the state treasury and credited to the landfill cleanup account established in section 115B.42.

~~(e)~~ (g) For the purposes of this subdivision, a "person that collects mixed municipal solid waste" means each person that ~~pays is required to pay~~ sales tax on solid waste collection services under section 297A.45.

~~(f)~~ (h) The audit, penalty, enforcement, and administrative provisions applicable to taxes imposed under chapter 297A apply to the assessments imposed under this subdivision.

### Sec. 5. [APPROPRIATIONS; TRANSFER.]

*Subdivision 1. [APPROPRIATIONS.]* (a) \$16,900,000 is appropriated from the landfill cleanup account to the commissioner of the pollution control agency to conduct actions authorized in this act.

(b) \$180,000,000 is appropriated from the bond proceeds fund to the commissioner of the pollution control agency for response actions at eligible facilities and for reimbursement of expenses under section 3.

*Subd. 2. [TRANSFER.]* The balance in the metropolitan landfill contingency action trust fund established under Minnesota Statutes, section 473.845, on the effective date of this section is transferred to the landfill cleanup account established under Minnesota Statutes, section 115B.42.

### Sec. 6. [BOND SALE.]

(a) To provide the money appropriated in this act from the state bond proceeds fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$180,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, the Minnesota Constitution, article XI, sections 4 to 7, and paragraph (b).

(b) Bonds may not be issued under this section in total amounts exceeding the following:

(1) by June 30, 1996, \$20,000,000;

(2) by June 30, 1998, \$70,000,000;

(3) by June 30, 2000, \$110,000,000; and

(4) by June 30, 2002, \$146,000,000.

#### Sec. 7. [EFFECTIVE DATE]

Section 4 is effective July 1, 1995."

Delete the title and insert:

"A bill for an act relating to the environment; establishing a cleanup program for closed landfills; establishing an advisory committee; authorizing rulemaking; providing penalties; providing a voluntary buy-out option for insurance companies; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, section 115B.04, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 115B.42, subdivision 2; 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B."

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

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

S.F. No. 2313: A bill for an act relating to the environment; allowing use of passive bioremediation for certain voluntary response actions; expanding the authority of the commissioner of the pollution control agency to issue determinations regarding liability for releases of hazardous substances and petroleum; amending Minnesota Statutes 1992, section 115B.175, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 115B.178, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115C.

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

Page 1, delete section 1

Page 2, line 11, after "determinations" insert "in connection with proposed actions under paragraph (a)"

Page 2, delete section 3 and insert:

*“(c) A request for a determination under this section shall be subject to submittal of such information as the commissioner determines necessary, including historical information on property use, a site reconnaissance for environmental problems, documentation of the release with which the voluntary party otherwise would potentially be associated and any necessary follow up technical evaluation of the release.”*

Sec. 3. Minnesota Statutes 1992, section 115C.03, subdivision 9, is amended to read:

Subd. 9. [REQUESTS FOR REVIEW, INVESTIGATION, AND OVERSIGHT.] (a) The commissioner may, upon request:

(1) assist in determining whether a release has occurred; and

(2) assist in or supervise the development and implementation of reasonable and necessary ~~response~~ *corrective* actions.

(b) Assistance may include review of agency records and files and review and approval of a requester's investigation plans and reports and corrective action plans and implementation.

*(c) Assistance may include the issuance of a written determination that an owner or prospective buyer of real property will not be a responsible person under section 115C.021, if the commissioner finds the release came from a tank not located on the property. The commissioner may also issue a written confirmation that the real property was the site of a release and that the tank from which the release occurred has been removed or that the agency has issued a site closure letter and has not revoked that status. The issuance of the written determination or confirmation applies to tanks not on the property or removed only, and does not affect liability for releases from tanks that are on the property at the time of purchase. The written determination or confirmation extends to the successors and assigns of the person to whom it originally applied, if the successors and assigns are not otherwise responsible for the release.*

~~(e)~~ (d) The person requesting assistance under this subdivision shall pay the agency for the agency's cost, as determined by the commissioner, of providing assistance. Money received by the agency for assistance under this subdivision must be deposited in the state treasury and credited to the account.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete “allowing use of passive”

Page 1, delete line 3

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

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

S.F. No. 2220: A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated

pest management; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; creating an advisory committee; appropriating money; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding subdivisions; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; and 103I.331, subdivision 6; Minnesota Statutes 1993 Supplement, sections 18E.06; and 115B.20, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 3.887, subdivision 5, is amended to read:

Subd. 5. [POWERS AND DUTIES.] (a) The legislative water commission shall review water policy reports and recommendations of the environmental quality board, the biennial report of the board of water and soil resources, and other water-related reports as may be required by law or the legislature.

(b) The commission shall oversee the activities of the pollution control agency under sections 116.16 to 116.181 relating to water pollution control.

(c) The commission may conduct public hearings and otherwise secure data and comments.

(d) *The commission shall hold annual hearings on issues relating to groundwater including, in every even-numbered year, a hearing on the groundwater policy report required by section 103A.204.*

(e) The commission shall make recommendations as it deems proper to assist the legislature in formulating legislation.

~~(e)~~ (f) Data or information compiled by the legislative water commission or its subcommittees shall be made available to the legislative commission on Minnesota resources and standing and interim committees of the legislature on request of the chair of the respective commission or committee.

Sec. 2. Minnesota Statutes 1992, section 3.887, subdivision 6, is amended to read:

Subd. 6. [~~STUDY REVIEW OF POLICY REPORT.~~] The legislative water commission shall study the recommendations of the environmental quality board for the management and protection of water resources in the state, and ~~shall report its findings to the legislative commission on Minnesota resources and the legislature by November 15, 1991, on the state's water management needs for the year 2000~~ hold a hearing on the groundwater policy report submitted every even-numbered year by the environmental quality board under section 103A.204.

Sec. 3. Minnesota Statutes 1992, section 3.887, subdivision 8, is amended to read:

Subd. 8. [REPEALER.] This section is repealed effective June 30, 1995 2000.

Sec. 4. Minnesota Statutes 1992, section 17.114, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] To assure the viability of agriculture in this state, the commissioner shall investigate, demonstrate, report on, and make recommendations on the current and future sustainability of agriculture in this state. *The department of agriculture is the lead state agency on sustainable agriculture has the meaning given to it in Laws 1987, chapter 396, article 12, section 6 and integrated pest management.*

Sec. 5. Minnesota Statutes 1992, section 17.114, subdivision 3, is amended to read:

Subd. 3. [DUTIES.] (a) The commissioner shall:

(1) establish a clearinghouse and provide information, appropriate educational opportunities and other assistance to individuals, producers, and groups about sustainable agricultural techniques, practices, and opportunities;

(2) survey producers and support services and organizations to determine information and research needs in the area of sustainable agricultural practices;

(3) demonstrate the on-farm applicability of sustainable agriculture practices to conditions in this state;

(4) coordinate the efforts of state agencies regarding activities relating to sustainable agriculture;

(5) direct the programs of the department so as to work toward the sustainability of agriculture in this state;

(6) inform agencies of how state or federal programs could utilize and support sustainable agriculture practices;

(7) work closely with farmers, the University of Minnesota, and other appropriate organizations to identify opportunities and needs as well as assure coordination and avoid duplication of state agency efforts regarding research, teaching, and extension work relating to sustainable agriculture; and

(8) report to the ~~legislature~~ *environmental quality board for review and then to the legislative water commission every odd-numbered even-numbered year.*

(b) The report under paragraph (a), clause (8), must include:

(1) the presentation and analysis of findings regarding the current status and trends regarding the economic condition of producers; the status of soil and water resources utilized by production agriculture; the magnitude of off-farm inputs used; and the amount of nonrenewable resources used by Minnesota farmers;

(2) a description of current state or federal programs directed toward sustainable agriculture including significant results and experiences of those programs;

(3) a description of specific actions the department of agriculture is taking in the area of sustainable agriculture;

(4) a description of current and future research needs at all levels in the area of sustainable agriculture; and

(5) suggestions for changes in existing programs or policies or enactment of new programs or policies that will affect farm profitability, maintain soil and water quality, reduce input costs, or lessen dependence upon nonrenewable resources.

Sec. 6. Minnesota Statutes 1992, section 17.114, is amended by adding a subdivision to read:

*Subd. 3a. [SUSTAINABLE AGRICULTURE ADVISORY COMMITTEE.] (a) The commissioner shall establish a sustainable agriculture advisory committee to assist in carrying out the duties in subdivision 3. The committee must include farmers, higher education representatives with expertise in sustainable agriculture, officials from other state agencies, representatives from the agricultural utilization research institute, private sector agricultural professionals, and representatives from environmental and agricultural interest groups. Terms, compensation, and removal of members are governed by section 15.059.*

*(b) This subdivision is repealed effective December 31, 2000.*

Sec. 7. Minnesota Statutes 1992, section 17.114, subdivision 4, is amended to read:

*Subd. 4. [INTEGRATED PEST MANAGEMENT.] (a) The state shall promote and facilitate the use of integrated pest management through education, technical or financial assistance, information and research.*

*(b) The commissioner shall coordinate the development of a state approach to the promotion and use of integrated pest management, which shall include delineation of the responsibilities of the state, public post-secondary institutions, Minnesota extension service, local units of government, and the private sector; establishment of information exchange and integration; procedures for identifying research needs and reviewing and preparing informational materials; procedures for factoring integrated pest management into state laws, rules, and uses of pesticides; and identification of barriers to adoption.*

*(c) The commissioner shall report to the governor and legislature by November 15, 1990, and on a biennial basis thereafter environmental quality board for review and then to the legislative water commission every even-numbered year. The report shall be combined with the report required in subdivision 3.*

Sec. 8. Minnesota Statutes 1992, section 18B.045, subdivision 1, is amended to read:

*Subdivision 1. [DEVELOPMENT.] The commissioner shall develop a pesticide management plan for the prevention, evaluation, and mitigation of occurrences of pesticides or pesticide breakdown products in groundwaters and surface waters of the state. The pesticide management plan must include components promoting prevention, developing appropriate responses to the detection of pesticides or pesticide breakdown products in groundwater and surface waters, and providing responses to reduce or eliminate continued pesticide movement to groundwater and surface water. Beginning September 1, 1994, and biennially thereafter, the commissioner must submit a status report on the plan to the environmental quality board for review and then to the legislative water commission.*

Sec. 9. Minnesota Statutes 1993 Supplement, section 18E.06, is amended to read:

18E.06 [REPORT TO WATER COMMISSION.]

By ~~November~~ September 1, 1990 1994, and each year thereafter, the agricultural chemical response compensation board and the commissioner shall submit to the house of representatives committee on ways and means, the senate committee on finance, *the environmental quality board*, and the legislative water commission a report detailing the activities and reimbursements for which money from the account has been spent during the previous year.

Sec. 10. [103A.204] [GROUNDWATER POLICY.]

*(a) The responsibility for the protection of groundwater in Minnesota is vested in a multi-agency approach to management. The following is a list of agencies and the groundwater protection areas for which the agencies are primarily responsible; the list is not intended to restrict the areas of responsibility to only those specified:*

*(1) environmental quality board: creation of a water resources committee to coordinate state groundwater protection programs and a biennial groundwater policy report beginning in 1994 that includes, for the 1994 report, the findings in the groundwater protection report coordinated by the pollution control agency for the Environmental Protection Agency;*

*(2) pollution control agency: water quality monitoring and reporting and the development of best management practices and regulatory mechanisms for protection of groundwater from nonagricultural chemical contaminants;*

*(3) department of agriculture: sustainable agriculture, integrated pest management, water quality monitoring, and the development of best management practices and regulatory mechanisms for protection of groundwater from agricultural chemical contaminants;*

*(4) board of water and soil resources: reporting on groundwater education and outreach with local government officials, local water planning and management, and local cost share programs;*

*(5) department of natural resources: water quantity monitoring and regulation, sensitivity mapping, and development of a plan for the use of integrated pest management and sustainable agriculture on state-owned lands; and*

*(6) department of health: regulation of wells and borings, and the development of health risk limits under section 103H.201.*

*(b) The environmental quality board shall through its water resources committee coordinate with representatives of all agencies listed in paragraph (a), citizens, and other interested groups to prepare a biennial report every even-numbered year as part of its duties described in sections 103A.43 and 103B.151.*

Sec. 11. Minnesota Statutes 1992, section 103A.43, is amended to read:

103A.43 [WATER RESEARCH NEEDS EVALUATION ASSESSMENTS AND REPORTS.]

(a) The environmental quality board shall evaluate and report to the legislative water commission and the legislative commission on Minnesota resources on statewide water research needs and recommended priorities for addressing these needs. Local water research needs may also be included.

(b) The environmental quality board shall ~~conduct~~ *coordinate* a biennial assessment of water quality, groundwater degradation trends, and efforts to reduce, prevent, minimize, and eliminate degradation of water.

(c) The environmental quality board shall ~~assess~~ *coordinate an assessment* of the quantity of surface and ground water in the state and the availability of water to meet the state's needs.

(d) The environmental quality board shall ~~prepare~~ *coordinate* and submit a report *on water policy* to the legislative water commission and the legislative commission on Minnesota resources by September 15 of each ~~odd-numbered even-numbered~~ year. *The report may include the groundwater policy report in section 103A.204.*

Sec. 12. Minnesota Statutes 1992, section 103B.151, subdivision 1, is amended to read:

Subdivision 1. [WATER PLANNING.] The environmental quality board shall:

(1) coordinate public water resource management and regulation activities among the state agencies having jurisdiction in the area;

(2) initiate, coordinate, and continue to develop comprehensive long-range water resources planning in furtherance of the plan ~~adopted~~ *prepared by the water planning board environmental quality board's water resources committee* entitled "A Framework for a Water and Related Land Resources Strategy for Minnesota, 1979" *including a new plan and strategy "Minnesota Water Plan," published in January 1991, by November September 15, 1990 2000,* and each ~~five-year~~ *ten-year* interval afterwards;

(3) coordinate water planning activities of local, regional, and federal bodies with state water planning and integrate these plans with state strategies;

(4) coordinate development of state water policy recommendations and priorities, and a recommended program for funding identified needs, including priorities for implementing the state water resources monitoring plan;

(5) ~~in cooperation with state agencies participating in the monitoring of water resources, develop a plan for monitoring the state's water resources;~~

(6) administer federal water resources planning with multiagency interests;

(7) (6) ensure that groundwater quality monitoring and related data is provided and integrated into the Minnesota land management information system according to published data compatibility guidelines. Costs of integrating the data in accordance with data compatibility standards must be borne by the agency generating the data;

(8) ~~identify water resources information and education needs, priorities, and goals and prepare an implementation plan to guide state activities relating to water resources information and education;~~

(9) (7) coordinate the development and evaluation of water information and education materials and resources; and



(10) (8) coordinate the dissemination of water information and education through existing delivery systems.

Sec. 13. [103F.461] [GROUNDWATER EDUCATION.]

*(a) In each even-numbered year, the board of water and soil resources must review groundwater education activities with local units of government and develop recommendations for improvement in a report to the environmental quality board for review and then to the legislative water commission as part of the groundwater policy report in section 103A.204. The board must work with agencies and interested groups with responsibility for groundwater education in preparing the report.*

*(b) The board must ensure that the biennial review of groundwater education with local units of government is coordinated with the Minnesota environmental education advisory board and the nonpoint source education and information strategy of the pollution control agency.*

*(c) Grants for innovative groundwater education strategies to local units of government identified in this section may be awarded by the board of water and soil resources.*

Sec. 14. Minnesota Statutes 1992, section 103G.271, subdivision 5, is amended to read:

Subd. 5. [PROHIBITION ON ONCE-THROUGH WATER USE PERMITS.] (a) The commissioner may not, after December 31, 1990, issue a water use permit to increase the volume of appropriation from a groundwater source for a once-through cooling system using in excess of 5,000,000 gallons annually.

(b) Except as provided in paragraph (c), once-through system water use permits using in excess of 5,000,000 gallons annually, must be terminated by the commissioner by the end of their design life but not later than December 31, 2010. Existing once-through systems are required to convert to water efficient alternatives within the design life of existing equipment. The commissioner shall, by August 1, 1990, submit to the legislative water commission for review the approach by which the commissioner will achieve appropriate conversion of the systems after considering the age of the system, the condition of the system, recent investments in the system, and feasibility and costs of alternatives available to replace usage of a once-through system.

(c) Paragraph (b) does not apply where groundwater appropriated for use in a once-through system is subsequently discharged into a wetland or public waters wetland owned or leased by a nonprofit corporation if:

- (1) the membership of the corporation includes a local government unit;
- (2) the deed or lease requires that the area containing the wetland or public waters wetland be maintained as a nature preserve;
- (3) public access is allowed consistent with the area's status as a nature preserve; and
- (4) by January 1, 2003, the permittee incurs costs of developing the nature preserve and associated facilities that, when discounted to 1992 dollars, exceed twice the projected cost, as determined by the commissioner, of the conversion required in paragraph (b), discounted to 1992 dollars.

The costs incurred under clause (4) may include preparation of plans and designs; site preparation; construction of wildlife habitat structures; planting of trees and other vegetation; installation of signs and markers; design and construction of trails, docks, and access structures; and design and construction of interpretative facilities. The permittee shall submit an estimate of the cost of the conversion required in paragraph (b) to the commissioner by January 1, 1993, and shall annually report to the commissioner on the progress of the project and the level of expenditures.

Sec. 15. Minnesota Statutes 1992, section 103H.175, is amended by adding a subdivision to read:

*Subd. 3. [REPORT.] In each even-numbered year, the pollution control agency, in cooperation with other agencies participating in the monitoring of water resources, shall provide a draft report on the status of groundwater monitoring to the environmental quality board for review and then to the legislative water commission as part of the report in section 103A.204.*

Sec. 16. Minnesota Statutes 1992, section 103H.201, subdivision 1, is amended to read:

Subdivision 1. [PROCEDURE.] (a) If groundwater quality monitoring results show that there is a degradation of groundwater, the commissioner of health may promulgate health risk limits under subdivision 2 for substances degrading the groundwater.

(b) Health risk limits shall be determined by two methods depending on their toxicological end point.

(c) For systemic toxicants that are not carcinogens, the adopted health risk limits shall be derived using United States Environmental Protection Agency risk assessment methods using a reference dose, a drinking water equivalent, ~~an uncertainty factor, and a factor for relative source contamination, which in general will measure an estimate of daily exposure to the human population, including sensitive subgroups, that is unlikely to result in deleterious effects during long-term exposure contribution factor.~~

(d) For toxicants that are known or probable carcinogens, the adopted health risk limits shall be derived from a quantitative estimate of the chemical's carcinogenic potency published by the United States Environmental Protection Agency's ~~carcinogen assessment group~~ Agency and determined by the commissioner to have undergone thorough scientific review.

Sec. 17. Minnesota Statutes 1992, section 103H.201, subdivision 4, is amended to read:

Subd. 4. [ADOPTION OF EXISTING RECOMMENDED ALLOWABLE LIMITS.] (a) Notwithstanding and in lieu of subdivision 2, ~~until November 1, 1994,~~ the commissioner may adopt recommended allowable limits, ~~and related toxicological end points,~~ established by the commissioner on or before ~~May 1, 1989~~ February 15, 1994, as health risk limits under this subdivision. Before a recommended allowable limit is adopted as an adopted health risk limit under this subdivision, the commissioner shall:

(1) publish in the State Register and disseminate through the Minnesota extension service and through soil and water conservation districts notice of intent to adopt a recommended allowable limit as an adopted health risk limit

for specific substances and shall solicit information on the health impacts of the substance;

(2) publish the recommended allowable limit in the State Register and disseminate through the Minnesota extension service and through soil and water conservation districts allowing 60 days for public comment; and

(3) publish the *adopted* recommended allowable limit in the State Register and, at the same time, make available a summary of the public comments received and the commissioner's responses to the comments.

(b) A recommended allowable limit adopted by the commissioner as an adopted health risk limit under this subdivision may be challenged in the manner provided in sections 14.44 and 14.45.

(c) ~~After July 1, 1991, and before September 1, 1991~~ *During the comment period under paragraph (a), clause (2),* 25 or more persons may submit a written request for a public hearing as provided under section 14.25 for any health risk limits as adopted under this subdivision.

Sec. 18. Minnesota Statutes 1992, section 103I.101, subdivision 5, is amended to read:

Subd. 5. [COMMISSIONER TO ADOPT RULES.] The commissioner shall adopt rules including:

(1) issuance of licenses for:

(i) qualified well contractors, persons modifying or repairing well casings, well screens, or well diameters;

(ii) persons constructing, repairing, and sealing unconventional wells such as drive points or dug wells;

(iii) persons constructing, repairing, and sealing dewatering wells;

(iv) persons sealing wells; and

(v) persons installing well pumps or pumping equipment and excavating holes for installing elevator shafts or hydraulic cylinders;

(2) issuance of registration for monitoring well contractors;

(3) establishment of conditions for examination and review of applications for license and registration;

(4) establishment of conditions for revocation and suspension of license and registration;

(5) establishment of minimum standards for design, location, construction, repair, and sealing of wells to implement the purpose and intent of this chapter;

(6) establishment of a system for reporting on wells and borings drilled and sealed;

(7) ~~modification of fees prescribed in this chapter, according to the procedures for setting fees in section 16A.128;~~

(8) establishment of standards for the construction, maintenance, sealing, and water quality monitoring of wells in areas of known or suspected contamination, for which the commissioner may adopt emergency rules;

(9) (8) establishment of wellhead protection measures for wells serving public water supplies;

(10) (9) establishment of procedures to coordinate collection of well data with other state and local governmental agencies;

(11) (10) establishment of criteria and procedures for submission of well logs, formation samples or well cuttings, water samples, or other special information required for and water resource mapping; and

(12) (11) establishment of minimum standards for design, location, construction, maintenance, repair, sealing, safety, and resource conservation related to borings, including exploratory borings as defined in section 103I.005, subdivision 9.

Until the commissioner adopts rules under this chapter to replace rules relating to wells and borings that were adopted under chapter 156A, the rules adopted under chapter 156A shall remain in effect.

Sec. 19. Minnesota Statutes 1992, section 103I.205, subdivision 1, is amended to read:

Subdivision 1. [NOTIFICATION REQUIRED.] (a) Except as provided in paragraphs (d) and (e), a person may not construct a well until a notification of the proposed well on a form prescribed by the commissioner is filed with the commissioner with the filing fee in section 103I.208. If after filing the well notification an attempt to construct a well is unsuccessful, a new notification is not required unless the information relating to the successful well has substantially changed.

(b) The property owner, the property owner's agent, or the well contractor where a well is to be located must file the well notification with the commissioner.

(c) The well notification under this subdivision preempts local permits and notifications, and counties or home rule charter or statutory cities may not require a permit or notification for wells unless the commissioner has delegated the permitting or notification authority under section 103I.111.

(d) A person who is an individual that constructs a drive point well on property owned or leased by the individual for farming or agricultural purposes or as the individual's place of abode must notify the commissioner of the installation and location of the well. The person must complete the notification form prescribed by the commissioner and mail it to the commissioner by ten days after the well is completed. A fee may not be charged for the notification. A person who sells drive point wells at retail must provide buyers with notification forms and informational materials including requirements regarding wells, their location, construction, and disclosure. The commissioner must provide the notification forms and informational materials to the sellers.

(e) A person may not construct a monitoring well or dewatering well until a permit is issued by the commissioner for the construction. If after obtaining a permit an attempt to construct a well is unsuccessful, a new permit is not required as long as the initial permit is modified to indicate the location of the successful well.

Sec. 20. Minnesota Statutes 1992, section 103I.208, is amended to read:

103I.208 [WELL NOTIFICATION FILING FEES AND PERMIT FEES.]

Subdivision 1. [WELL NOTIFICATION FEE.] The well notification fee to be paid by a property owner is:

(1) for a new well drilled that produces less than 50 gallons a minute based on the actual capacity of the pump installed, ~~\$50~~ \$100; and

(2) for a new well that produces 50 gallons a minute or more based on the actual capacity of the pump installed, ~~\$100~~; and

*(3) for construction of a dewatering well, \$100 for each well except a dewatering project comprising five or more wells shall be assessed a single fee of \$500 for the wells recorded on the notification.*

Subd. 2. [PERMIT FEE.] The permit fee to be paid by a property owner is:

(1) for a well that is not in use under a maintenance permit, ~~\$50~~ \$100 annually;

(2) for construction of a monitoring well, ~~\$50~~ \$100;

(3) for a monitoring well that is unsealed under a maintenance permit, ~~\$50~~ \$100 annually;

(4) for monitoring wells used as a leak detection device at a single motor fuel retail outlet or petroleum bulk storage site excluding tank farms, the construction permit fee is ~~\$50~~ \$100 per site regardless of the number of wells constructed on the site, and the annual fee for a maintenance permit for unsealed monitoring wells is ~~\$50~~ \$100 per site regardless of the number of monitoring wells located on site;

(5) for a groundwater thermal exchange device, in addition to the notification fee for wells, ~~\$50~~ \$100;

(6) for a vertical heat exchanger, ~~\$50~~ \$100;

*(7) for construction of the dewatering well, \$50 for each well except a dewatering project comprising more than ten wells shall be issued a single permit for the wells recorded on the permit for \$500; and*

*(8) (7) for a dewatering well that is unsealed under a maintenance permit, \$25 \$100 annually for each well, except a dewatering project comprising more than ten five wells shall be issued a single permit for \$250 \$500 annually for wells recorded on the permit.*

Sec. 21. Minnesota Statutes 1992, section 103I.235, subdivision 1, is amended to read:

Subdivision 1. [DISCLOSURE OF WELLS TO BUYER.] (a) Before signing an agreement to sell or transfer real property, the seller must disclose in writing to the buyer information about the status and location of all known wells on the property, by delivering to the buyer either a statement by the seller that the seller does not know of any wells on the property, or a disclosure statement indicating the legal description and county, and a map drawn from available information showing the location of each well to the extent practicable. In the disclosure statement, the seller must indicate, for each well, whether the well is in use, not in use, or sealed.

(b) At the time of closing of the sale, the disclosure statement information, name and mailing address of the buyer, and the quartile, section, township, and range in which each well is located must be provided on a well disclosure

certificate signed by the seller or a person authorized to act on behalf of the seller.

(c) A well disclosure certificate need not be provided if the seller does not know of any wells on the property and the deed or other instrument of conveyance contains the statement: "The Seller certifies that the Seller does not know of any wells on the described real property."

(d) If a deed is given pursuant to a contract for deed, the well disclosure certificate required by this subdivision shall be signed by the buyer or a person authorized to act on behalf of the buyer. If the buyer knows of no wells on the property, a well disclosure certificate is not required if the following statement appears on the deed followed by the signature of the grantee or, if there is more than one grantee, the signature of at least one of the grantees: "The Grantee certifies that the Grantee does not know of any wells on the described real property." The statement and signature of the grantee may be on the front or back of the deed or on an attached sheet and an acknowledgment of the statement by the grantee is not required for the deed to be recordable.

(e) This subdivision does not apply to the sale, exchange, or transfer of real property:

(1) that consists solely of a sale or transfer of severed mineral interests; or

(2) that consists of an individual condominium unit as described in chapters 515 and 515A.

(f) For an area owned in common under chapter 515 or 515A the association or other responsible person must report to the commissioner by July 1, 1992, the location and status of all wells in the common area. The association or other responsible person must notify the commissioner within 30 days of any change in the reported status of wells.

(g) For real property sold by the state under section 92.67, the lessee at the time of the sale is responsible for compliance with this subdivision.

(h) If the seller fails to provide a required well disclosure certificate, the buyer, or a person authorized to act on behalf of the buyer, may sign a well disclosure certificate based on the information provided on the disclosure statement required by this section or based on other available information.

(i) A county recorder or registrar of titles may not record a deed or other instrument of conveyance dated after October 31, 1990, for which a certificate of value is required under section 272.115, or any deed or other instrument of conveyance dated after October 31, 1990, from a governmental body exempt from the payment of state deed tax, unless the deed or other instrument of conveyance contains the statement made in accordance with paragraph (c) or (d) or is accompanied by the well disclosure certificate containing all the information required by paragraph (b) or (d). The county recorder or registrar of titles must not accept a certificate unless it contains all the required information. The county recorder or registrar of titles shall note on each deed or other instrument of conveyance accompanied by a well disclosure certificate that the well disclosure certificate was received. The notation must include the statement "No wells on property" if the disclosure certificate states there are no wells on the property. The well disclosure certificate shall not be filed or recorded in the records maintained by the county recorder or registrar of titles. After noting "No wells on property" on the deed or other instrument of conveyance, the county recorder or registrar of titles shall

destroy or return to the buyer the well disclosure certificate. The county recorder or registrar of titles shall collect from the buyer or the person seeking to record a deed or other instrument of conveyance, a fee of ~~\$10~~ \$20 for receipt of a completed well disclosure certificate. By the tenth day of each month, the county recorder or registrar of titles shall transmit the well disclosure certificates to the commissioner of health. By the tenth day after the end of each calendar quarter, the county recorder or registrar of titles shall transmit to the commissioner of health ~~\$7.50~~ \$17.50 of the fee for each well disclosure certificate received during the quarter. The commissioner shall maintain the well disclosure certificate for at least six years. The commissioner may store the certificate as an electronic image. A copy of that image shall be as valid as the original.

(j) No new well disclosure certificate is required under this subdivision if the buyer or seller, or a person authorized to act on behalf of the buyer or seller, certifies on the deed or other instrument of conveyance that the status and number of wells on the property have not changed since the last previously filed well disclosure certificate. The following statement, if followed by the signature of the person making the statement, is sufficient to comply with the certification requirement of this paragraph: "I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate." The certification and signature may be on the front or back of the deed or on an attached sheet and an acknowledgment of the statement is not required for the deed or other instrument of conveyance to be recordable.

(k) The commissioner in consultation with county recorders shall prescribe the form for a well disclosure certificate and provide well disclosure certificate forms to county recorders and registrars of titles and other interested persons.

(l) Failure to comply with a requirement of this subdivision does not impair:

(1) the validity of a deed or other instrument of conveyance as between the parties to the deed or instrument or as to any other person who otherwise would be bound by the deed or instrument; or

(2) the record, as notice, of any deed or other instrument of conveyance accepted for filing or recording contrary to the provisions of this subdivision.

Sec. 22. Minnesota Statutes 1992, section 103I.331, subdivision 6, is amended to read:

Subd. 6. [REPEALER.] This section is repealed effective June 30, ~~1995~~ 1996.

Sec. 23. Minnesota Statutes 1992, section 103I.401, subdivision 1, is amended to read:

Subdivision 1. [PERMIT REQUIRED.] (a) A person may not construct an elevator shaft until a permit for the hole or excavation is issued by the commissioner.

(b) The fee for excavating holes for the purpose of installing elevator shafts is ~~\$50~~ \$100 for each hole.

(c) The elevator shaft permit preempts local permits except local building permits, and counties and home rule charter or statutory cities may not require a permit for elevator shaft holes or excavations.

Sec. 24. Minnesota Statutes 1993 Supplement, section 115B.20, subdivision 6, is amended to read:

Subd. 6. [REPORT TO LEGISLATURE.] Each year, the commissioner of agriculture and the agency shall submit to the senate finance committee, the house ways and means committee, the environmental quality board, the legislative water commission, and the legislative commission on waste management a report detailing the activities for which money from the account has been spent during the previous fiscal year.

Sec. 25. [APPLICATION OF TECHNIQUES ON STATE LAND.]

(a) The commissioner of natural resources, in consultation with the commissioner of agriculture, must, by September 1, 1995, prepare a plan on the optimum use of sustainable agriculture and integrated pest management techniques to be applied on lands owned by the state.

(b) The commissioner of natural resources, in consultation with the commissioner of agriculture, shall appoint a task force of interagency staff and interested citizens to develop the plan including a review of the requirements of Minnesota Statutes, sections 17.114, subdivision 4, paragraph (b), and 18B.063. The task force is subject to Minnesota Statutes, section 15.059.

(c) At a minimum, the plan must address specific practices for sustainable agriculture and integrated pest management to be applied on state-owned lands, including any funding recommendations.

(d) The commissioner of natural resources must present the plan to the environmental quality board for review and then to the legislative water commission in 1995.

Sec. 26. [REPEALER.]

Minnesota Statutes 1992, section 103F.460, is repealed.

Sec. 27. [EFFECTIVE DATE.]

Sections 16 and 17 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated pest management; changing disclosures and fees related to dewatering wells; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; appropriating money; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding a subdivision; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; 103I.205, subdivision 1; 103I.208; 103I.235, subdivision 1; 103I.331, subdivision 6; and 103I.401, subdivision 1; Minnesota Statutes 1993 Supplement, sections 18E.06; and 115B.20, subdivision 6;



proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460."

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

Ms. Berglin from the Committee on Health Care, to which was re-referred

S.F. No. 1694: A bill for an act relating to civil commitment; modifying procedures relating to administering intrusive mental health treatment to persons committed as mentally ill and dangerous under the civil commitment act; amending Minnesota Statutes 1992, sections 13.42, subdivision 3; 253B.03, subdivisions 6b and 6c; 253B.07, subdivision 1; 253B.09, subdivision 2; 253B.12, subdivision 1; 253B.17, subdivision 1; and 525.56, subdivision 3.

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1825: A bill for an act relating to manufactured homes; restricting the venue for repossession actions to the county in which the manufactured home is located; making technical changes; amending Minnesota Statutes 1992, sections 327.63, subdivision 1; 327.64, subdivision 2; and 327.65.

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1862: A bill for an act relating to economic development; increasing the membership of the job skills partnership board; amending Minnesota Statutes 1993 Supplement, section 116L.03, subdivisions 1 and 2.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Governmental Operations and Reform. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1983: A bill for an act relating to economic development; clarifying applications and criteria for Minnesota companies to participate in the international business partnership program; amending Minnesota Statutes 1992, section 116J.974.

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

Page 2, line 13, delete the new language

Page 2, line 14, delete "*applying to*" and strike "an" and insert "*to be provided to Minnesota companies applying to the*"

Page 2, line 16, delete "*and foreign private*"

Page 2, line 17, delete "*companies*" and strike ". An international partnership" and delete "*program*" and insert " ; and"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2465: A bill for an act relating to the jobs and training department; modifying provisions relating to certain departmental contracts; amending Minnesota Statutes 1993 Supplement, section 16B.06, subdivision 2a.

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1938: A bill for an act relating to employment; providing for enforcement of an employees' right to review personnel records; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Page 1, line 11, after "*fine*" insert " , together with costs and attorney fees,"

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2496: A bill for an act relating to licensing; directing an expansion of the operations of the bureau of business licenses and of the master application procedure.

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

Page 2, line 7, after "*procedure*" insert "*for each regulated industry*"

Page 2, line 8, after "*application*" insert a period

Page 2, line 9, delete "*and*" and insert "*The applicant shall*" and delete "*a single fee*" and insert "*all fees*"

Page 2, line 10, delete "*forward portions of the fee*" and insert "*individual fees*"

Page 3, line 5, delete "*and*"

Page 3, line 7, after "*section*" insert " ; and

(4) *budget recommendations to achieve the purposes of this section*"

And when so amended the bill do pass and be re-referred to the Committee

on Governmental Operations and Reform. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1985: A resolution memorializing the President and Congress to act expeditiously in procuring a site or sites for the storage of high-level radioactive waste.

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

Page 1, line 13, after "1996" insert "or shut down"

Page 2, line 17, delete everything after the second "to" and insert "accelerate the comprehensive study of the Yucca Mountain site, and if that site is determined appropriate for a permanent repository that it be developed as a permanent repository as rapidly as construction technology permits."

Page 2, delete lines 18 to 20

Amend the title as follows:

Page 1, line 3, delete "or sites"

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1981: A bill for an act relating to railroads; authorizing rail carriers to participate in loan guarantee program; defining terms; amending eligibility requirements; amending Minnesota Statutes 1992, sections 222.55; 222.56, subdivisions 5, 6, and by adding subdivisions; 222.57; and 222.58, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Transportation and Public Transit, shown in the Journal for March 18, 1994, be amended to read:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2177: A bill for an act relating to children; modifying liability provisions for child abuse investigations; providing for attorney fees in certain actions; providing for the establishment of protocols for investigations; prohibiting certain conflicts of interest; providing for access to data regarding determinations of maltreatment; amending Minnesota Statutes 1992, section 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 626.556, subdivision 11.

Reports the same back with the recommendation that the report from the

Committee on Judiciary, shown in the Journal for March 23, 1994, be amended to read:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2194: A bill for an act relating to legislative audit commission; appropriating money for the legislative auditor to perform best practices review audits; amending Minnesota Statutes 1992, sections 3.97, subdivision 11; and 3.971, by adding a subdivision.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 23, 1994, be amended to read:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1643: A bill for an act relating to lotteries; proposing a constitutional amendment to prohibit the legislature from authorizing a lottery operated by the state; providing for conforming legislation if the amendment is adopted by the people.

Reports the same back with the recommendation that the report from the Committee on Gaming Regulation, shown in the Journal for March 16, 1994, be amended to read:

“the bill do pass and be re-referred to the Committee on Finance”. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1369: A bill for an act relating to occupations and professions; establishing a system of licensure for acupuncture practitioners; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 148.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 23, 1994, be amended to read:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2193: A bill for an act relating to water; establishing the drinking water revolving fund administered by the public facilities authority and the

department of health; amending Minnesota Statutes 1992, section 446A.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 446A.

Reports the same back with the recommendation that the report from the Committee on Health Care, shown in the Journal for March 17, 1994, be amended to read:

“the bill do pass and be re-referred to the Committee on Finance”. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 2661: A bill for an act relating to health; prohibiting certain organizational mergers or acquisitions; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 62J.

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

Delete everything after the enacting clause and insert:

“Section 1. [62J.47] [MORATORIUM ON MERGERS OR ACQUISITIONS BY HEALTH CARRIERS.]

*Subdivision 1. [DEFINITIONS.] For purposes of this section, “health carrier” has the meaning given in section 62A.011, subdivision 2.*

*Subd. 2. [RESTRICTIONS.] Until July 1, 1996, the following health carriers are prohibited from merging with, or acquiring, directly or indirectly, any other health carrier:*

*(1) a health carrier whose number of enrollees residing in the state in the previous calendar year exceeds five percent of the total number of insured persons in that year residing in the state of Minnesota; and*

*(2) a health carrier whose number of enrollees residing in the seven-county metropolitan area in the previous calendar year exceeds ten percent of the total number of insured persons in that year residing in the seven-county metropolitan area.*

*Subd. 3. [ENFORCEMENT.] The district court in Ramsey county has jurisdiction to enjoin an alleged violation of subdivision 2. The attorney general may bring an action to enjoin an alleged violation. The commissioner of health or commerce shall not issue or renew a license or certificate of authority to any health carrier in violation of subdivision 2.*

*Subd. 4. [EXCEPTION.] This section does not apply to any merger or direct or indirect acquisition pursuant to a letter of intent, memorandum of understanding, or other agreement signed before March 17, 1994, or to any merger or direct or indirect acquisition which develops pursuant to an affiliation for which a letter of intent, memorandum of understanding, or other agreement was signed before March 17, 1994.*

Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment.”*

And when so amended the bill do pass and be re-referred to the Committee

on Commerce and Consumer Protection. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 584: A bill for an act relating to free speech; protecting citizens and organizations from civil lawsuits for exercising their constitutional rights of petition, speech, association, and participation in government; proposing coding for new law as Minnesota Statutes, chapter 554.

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

Delete everything after the enacting clause and insert:

“Section 1. [554.01] [DEFINITIONS.]

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

*Subd. 2. [GOVERNMENT.] “Government” includes a branch, department, agency, official, employee, agent, or other person with authority to act on behalf of the federal government, this state, or any political subdivision of this state, including municipalities and their boards, commissions, and departments, or other public authority.*

*Subd. 3. [JUDICIAL CLAIM; CLAIM.] “Judicial claim” or “claim” includes any civil lawsuit, cause of action, claim, cross-claim, counterclaim, or other judicial pleading or filing seeking damages for an alleged injury. “Judicial claim” does not include a claim solely for injunctive relief.*

*Subd. 4. [MOTION.] “Motion” includes any motion to dismiss, motion for summary judgment, or any other judicial pleading filed to dispose of a judicial claim.*

*Subd. 5. [MOVING PARTY.] “Moving party” means any person on whose behalf the motion described in section 2, subdivision 1, is filed seeking dismissal of an action under this chapter.*

*Subd. 6. [PUBLIC PARTICIPATION.] “Public participation” means speech or lawful conduct that is genuinely aimed in whole or in part at procuring favorable government action.*

*Subd. 7. [RESPONDING PARTY.] “Responding party” means any person against whom a motion described in section 2, subdivision 1, is filed.*

Sec. 2. [554.02] [PROTECTION OF CITIZENS TO PARTICIPATE IN GOVERNMENT.]

*Subdivision 1. [APPLICABILITY.] This section applies to any motion in a judicial proceeding to dispose of a judicial claim on the grounds that the claim materially relates to an act of the moving party that involves public participation.*

*Subd. 2. [PROCEDURE.] On the filing of any motion described in subdivision 1:*

*(1) discovery must be suspended pending the final disposition of the motion, including any appeal; provided that the court may, on motion and after a*

hearing and for good cause shown, order that specified and limited discovery be conducted;

(2) the responding party has the burden of proof, of going forward with the evidence, and of persuasion on the motion;

(3) the court shall grant the motion and dismiss the judicial claim unless the court finds that the responding party has established by a preponderance of the evidence that the acts of the moving party are not immunized from liability under section 3; and

(4) any governmental body to which the moving party's acts were directed or the attorney general's office may intervene in, defend, or otherwise support the moving party.

### Sec. 3. [554.03] [IMMUNITY.]

Lawful conduct or speech that is genuinely aimed in whole or in part at procuring favorable government action is immune from liability, unless the conduct or speech constitutes a tort or a violation of a person's constitutional rights.

### Sec. 4. [554.04] [FEES AND DAMAGES.]

Subdivision 1. [ATTORNEY FEES AND COSTS.] The court shall award a moving party who prevails in a motion under this chapter reasonable attorney fees and costs associated with the bringing of the motion.

Subd. 2. [DAMAGES.] (a) A moving party may petition the court for damages under this section in conjunction with a motion under this chapter.

(b) If a motion under this chapter is granted and the moving party demonstrates that the respondent brought the cause of action in the underlying lawsuit for the purpose of harassment, to inhibit the moving party's public participation, to interfere with the moving party's exercise of protected constitutional rights, or otherwise wrongfully injure the moving party, the court shall award the moving party actual damages. The court may award the moving party punitive damages under section 549.20. A motion to amend the pleadings under section 529.191 is not required under this section, but the claim for punitive damages must meet all other requirements of section 549.191.

### Sec. 5. [554.05] [RELATIONSHIPS TO OTHER LAW.]

Nothing in this chapter limits or precludes any rights the moving party or responding party may have under any other constitutional, statutory, case, or common law, or rule.

### Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to free speech; protecting citizens and organizations from civil lawsuits for exercising their rights of public participation in government; proposing coding for new law as Minnesota Statutes, chapter 554."

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

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 2130: A bill for an act relating to health; establishing a health insurance counseling and assistance program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Page 2, line 14, after "with" insert "the" and delete "heads of relevant state agencies" and insert "the commissioners of health, commerce, and human services"

Page 2, lines 24 and 25, delete "result from the person's actions or omissions" and insert "arise from providing health insurance counseling services"

Page 2, line 27, after the period, insert "This immunity does not extend to the employer sponsoring the health insurance counseling program."

Page 3, line 24, after the period, insert "This appropriation amount shall not become part of the base appropriation for the board on aging for the 1996-1997 biennium."

And when so amended the bill do pass and be re-referred to the Committee on Health Care. Mr. Belanger questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

H.F. No. 1914 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.
1914	1729				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1914 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1914 and insert the language after the enacting clause of S.F. No. 1729; further, delete the title of H.F. No. 1914 and insert the title of S.F. No. 1729.

And when so amended H.F. No. 1914 will be identical to S.F. No. 1729, and further recommends that H.F. No. 1914 be given its second reading and substituted for S.F. No. 1729, 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. 1835 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.
1835	1755				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1835 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1835 and insert the language after the enacting clause of S.F. No. 1755, the first engrossment; further, delete the title of H.F. No. 1835 and insert the title of S.F. No. 1755, the first engrossment.

And when so amended H.F. No. 1835 will be identical to S.F. No. 1755, and further recommends that H.F. No. 1835 be given its second reading and substituted for S.F. No. 1755, 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. 1934 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.
1934	1767				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1934 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1934 and insert the language after the enacting clause of S.F. No. 1767; further, delete the title of H.F. No. 1934 and insert the title of S.F. No. 1767.

And when so amended H.F. No. 1934 will be identical to S.F. No. 1767, and further recommends that H.F. No. 1934 be given its second reading and substituted for S.F. No. 1767, 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. 1964 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.
1964	1749				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1964 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1964 and insert the language after the enacting clause of S.F. No. 1749, the first engrossment; further, delete the title of H.F. No. 1964 and insert the title of S.F. No. 1749, the first engrossment.

And when so amended H.F. No. 1964 will be identical to S.F. No. 1749, and further recommends that H.F. No. 1964 be given its second reading and substituted for S.F. No. 1749, 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 SENATE BILLS

S.F. Nos. 2099, 2032, 1694, 1983, 2465, 1985 and 584 were read the second time.

### SECOND READING OF HOUSE BILLS

H.F. Nos. 1914, 1835, 1934 and 1964 were read the second time.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Solon, Metzen, Ms. Anderson and Mr. Janezich introduced—

S.F. No. 2807: A bill for an act relating to commerce; distilled spirits; regulating the standards of fill for distilled spirits; proposing coding for new law in Minnesota Statutes, chapter 340A.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Spear introduced—

S.F. No. 2808: A bill for an act relating to education; expanding Minneapolis health insurance subsidy to include eligible Minneapolis teachers who retire before May 1, 1984; amending Minnesota Statutes 1992, section 124.916, subdivision 4.

Referred to the Committee on Governmental Operations and Reform.

Mr. Oliver and Ms. Runbeck introduced—

S.F. No. 2809: A bill for an act relating to drop-in child care programs; requiring certain programs that are exempt from licensure requirements to provide notice to participants; amending Minnesota Statutes 1993 Supplement, section 245A.03, subdivision 2.

Referred to the Committee on Family Services.

Mr. Oliver introduced—

S.F. No. 2810: A bill for an act relating to appropriations; removing limitation on money that may be spent by regional transit board on metro mobility; amending Laws 1993, chapter 266, section 3, subdivision 3.

Referred to the Committee on Metropolitan and Local Government.

Mr. Metzen introduced—

S.F. No. 2811: A bill for an act relating to health; exempting certain municipally operated ambulance services from specific licensing requirements; amending Minnesota Statutes 1992, section 144.802, by adding a subdivision.

Referred to the Committee on Health Care.

Mses. Reichgott Junge, Flynn and Mr. Johnson, D.J. introduced—

S.F. No. 2812: A bill for an act relating to taxation; imposing income limitations on the property tax targeting refund; amending Minnesota Statutes 1993 Supplement, section 290A.04, subdivision 2h.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Vickerman; Chmielewski; Benson, D.D.; Johnson, D.E. and Lessard introduced—

S.F. No. 2813: A bill for an act relating to veterans; requiring the University of Minnesota to follow the state veterans preference law; amending Minnesota Statutes 1992, sections 197.455; and 197.46.

Referred to the Committee on Veterans and General Legislation.

Ms. Reichgott Junge introduced—

S.F. No. 2814: A bill for an act relating to capital improvements; appropriating money to the commissioner of jobs and training to construct facilities for head start or other early intervention education programs; authorizing the sale of state bonds.

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

Mr. Moe, R.D. introduced—

S.F. No. 2815: A bill for an act relating to Mahanomen county; authorizing the county to issue certain general obligation bonds.

Referred to the Committee on Taxes and Tax Laws.

Ms. Pappas, Messrs. Kelly, Betzold, Ms. Johnston and Mr. Frederickson introduced—

S.F. No. 2816: A bill for an act relating to metropolitan government; increasing the amount of obligations the metropolitan council may issue for certain transit purposes; amending Minnesota Statutes 1992, section 473.39, subdivision 1b.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Hottinger, Kelly, Dille and Metzen introduced—

S.F. No. 2817: A bill for an act relating to public finance; changing procedures for allocation of certain bonding authority; amending Minnesota Statutes 1992, section 474A.091, subdivision 3; Minnesota Statutes 1993 Supplement, section 474A.061, subdivision 2a.

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

Messrs. Finn, Chmielewski and Stevens introduced—

S.F. No. 2818: A bill for an act relating to education; clarifying post-secondary enrollment options to include pupils at certain American Indian schools; amending Minnesota Statutes 1992, section 123.3514, subdivision 4.

Referred to the Committee on Education.

Messrs. Chmielewski; Moe, R.D.; Mses. Krentz, Lesewski and Mr. Dille introduced—

S.F. No. 2819: A bill for an act relating to motor carriers; delaying application and enforcement of rule against class II permit holder owning, leasing, or controlling more than one terminal.

Referred to the Committee on Transportation and Public Transit.

Mr. Johnson, D.E. introduced—

S.F. No. 2820: A bill for an act relating to capital improvements; appropriating money and authorizing state bonding to build a water retention basin in Renville county.

Referred to the Committee on Environment and Natural Resources.

Messrs. Marty, Metzen, Novak and Frederickson introduced—

S.F. No. 2821: A bill for an act relating to housing; establishing a pilot project for housing homeless persons in severe weather; appropriating money.

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

Ms. Lesewski introduced—

S.F. No. 2822: A bill for an act relating to energy; creating a grant program to develop wind energy electric generating capacity; appropriating money; amending Minnesota Statutes 1993 Supplement, section 272.02, subdivision 1.

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

Messrs. Morse, Kelly, Ms. Piper and Mr. Spear introduced—

S.F. No. 2823: A bill for an act relating to crime prevention; prohibiting soliciting children to enter a motor vehicle; increasing the penalty for kidnapping a victim under 16; amending Minnesota Statutes 1992, section 609.25, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Crime Prevention.

Messrs. Morse, Bertram, Sams and Langseth introduced—

S.F. No. 2824: A bill for an act relating to ethanol; increasing the cap on ethanol development payments to ethanol producers; extending expiration of payments for ethanol development; increasing minimum oxygen content of gasoline; eliminating tax credit for agricultural alcohol gasoline; amending Minnesota Statutes 1992, sections 41A.09, subdivision 5; and 296.02, subdivision 7; Minnesota Statutes 1993 Supplement, section 41A.09, subdivision 3; and 239.791, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

Ms. Kiscaden, Messrs. Samuelson and Benson, D.D. introduced—

S.F. No. 2825: A bill for an act relating to human services; modifying provisions concerning rates for care of certain persons and recovery of medical assistance overpayments; modifying provisions concerning home care and alternative care; requiring changes in related rules; providing instructions to the revisor of statutes; amending Minnesota Statutes 1992, sections 256B.0641, subdivision 1; 256B.0913, subdivision 8; 256B.0915, subdivision 5; and 256B.501, subdivisions 1, 3, 3c, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 256B.0911, subdivisions 2 and 7; 256B.0913, subdivisions 5 and 12; 256B.0915, subdivision 1; 256B.501, subdivisions 3g and 8; and 256I.06, subdivision 1; repealing Minnesota Statutes 1992, section 256B.501, subdivisions 3d, 3e, and 3f.

Referred to the Committee on Health Care.

Ms. Pappas, Messrs. Beckman and Larson introduced—

S.F. No. 2826: A bill for an act relating to education; considering whether to include anthropology and history in preparation programs for social studies teachers; including components of American Indian language, history, and culture in teacher preparation curriculum; directing the state board of education to consult with American Indian representatives in developing learner outcomes in American Indian language, history, and culture.

Referred to the Committee on Education.

Mr. Bertram introduced—

S.F. No. 2827: A bill for an act relating to taxation; increasing the funding for firefighters state aid; amending Minnesota Statutes 1992, section 69.021, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bertram introduced—

S.F. No. 2828: A bill for an act relating to retirement; directing a study and comparison of teacher's retirement annuities.

Referred to the Committee on Governmental Operations and Reform.

Mses. Krentz, Ranum, Pappas and Mr. Beckman introduced—

S.F. No. 2829: A bill for an act relating to education; providing for alternative activities for school age children; expanding parental involvement; providing for training in working with children with special needs; providing for violence prevention activities; appropriating money; amending Minnesota Statutes 1992, sections 121.88, subdivision 10; and 126.69, subdivision 1; Minnesota Statutes 1993 Supplement, sections 121.882, subdivision 2b; 124.2711, subdivision 5; 124.2713, subdivision 5; 124.2716, subdivision 2; 124A.29, subdivision 1; and 126.70, subdivision 2a.

Referred to the Committee on Education.

Mr. Lessard introduced—

S.F. No. 2830: A bill for an act relating to state lands; requiring the sale of certain school trust lands bordering public waters in St. Louis county.

Referred to the Committee on Environment and Natural Resources.

Mr. Lessard introduced—

S.F. No. 2831: A bill for an act relating to the environment; requiring town board or city council approval prior to issuance of a permit by the pollution control agency for spreading soil that contains harmful substances on land; amending Minnesota Statutes 1992, section 116.07, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Mr. Lessard introduced—

S.F. No. 2832: A bill for an act relating to game and fish; allowing use of retractable broadhead arrows in taking big game; amending Minnesota Statutes 1992, section 97B.211, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Mr. Lessard introduced—

S.F. No. 2833: A bill for an act relating to community colleges; authorizing the state board to construct or acquire student residences; authorizing revenue bonds.

Referred to the Committee on Education.

Mr. Lessard introduced—

S.F. No. 2834: A bill for an act relating to education; modifying teacher contract arbitration provisions; amending Minnesota Statutes 1992, section 179A.16, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Stumpf and Langseth introduced—

S.F. No. 2835: A bill for an act relating to public administration; creating regional telecommunications network; providing grants for telecommunications planning; requiring reports to the legislature; appropriating money.

Referred to the Committee on Governmental Operations and Reform.

Mr. Pogemiller introduced—

S.F. No. 2836: A bill for an act relating to public finance; changing procedures for allocating bonding authority; amending Minnesota Statutes 1992, sections 474A.02, subdivisions 8a, 13a, and 23a; 474A.03, subdivision 1; 474A.04, subdivision 1a; 474A.061, subdivision 4; 474A.091, subdivisions 3 and 5; and 474A.131, subdivision 3, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 474A.047, subdivision 1; and 474A.061, subdivision 2a.

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

Mr. Luther introduced—

S.F. No. 2837: A bill for an act relating to drivers' licenses; allowing social security number to be entered at the option of an applicant for a Class C driver's license; amending Minnesota Statutes 1992, section 171.06, subdivision 3.

Referred to the Committee on Transportation and Public Transit.

Mr. Metzen introduced—

S.F. No. 2838: A bill for an act relating to health and human services; creating an exception to the nursing home moratorium; establishing rates for total replacements; amending Minnesota Statutes 1992, section 256B.431, subdivision 17; Minnesota Statutes 1993 Supplement, section 144A.071, subdivision 4a.

Referred to the Committee on Health Care.

Messrs. Beckman and Hottinger introduced—

S.F. No. 2839: A bill for an act relating to education; modifying the grant application process of the cooperative secondary facilities grant act to include reorganized school districts; amending Minnesota Statutes 1992, sections 124.494, subdivisions 3, 4, 5, and 6; Minnesota Statutes 1993 Supplement, sections 124.494, subdivisions 1, 2, and 4a; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

### MEMBERS EXCUSED

Mrs. Adkins was excused from the Session of today. Mr. Novak was excused from the Session of today from 9:20 to 10:15 a.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, March 28, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate